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Ireland

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I. Introduction

1. Ireland is committed to the promotion and protection of human rights. We were pleased to engage with Cycle 1 of the UPR and in March 2014, submitted a voluntary Interim Report¹.
2. We welcome Cycle 2 of the UPR as an opportunity to reflect on what has been achieved, the challenges we face and report on new issues that have emerged since our interactive dialogue in October 2011.
3. We are proud that following a referendum to change the Constitution, Ireland enacted legislation to ensure that same-sex couples can marry.

II. Methodology and consultation process

4. An Interdepartmental Committee coordinated by the Department of Justice and Equality prepared for Cycle 2. We published information about the UPR and reports on the issues raised in consultation events on www.upr.ie.
5. Officials participated in consultation events hosted by civil society and Ireland's NHRI² (July and August 2015), and value the ongoing dialogue, information sharing, partnership and cooperation.
6. Consultation is integral to our consideration of Ireland's human rights situation. For Cycle 2, we broadened and developed our approach and held two strands of consultation (**Recommendation 107.50**). In October 2015, we invited written submissions from members of the public, civil society and interested stakeholders on human rights and equality issues, asking submissions to consider:
 - where we are and where we should be;
 - what we have achieved since 2011; and
 - priority issues that have emerged in the meantime.
7. 54 submissions were received in this process. A consultation event was held on 11 November 2015. A report of the issues discussed is published on www.upr.ie.
8. It is important to us that the voices of children and young people are heard, and we engaged in a child-led consultation with 8- to 17-year olds, with support from the Department of Children and Youth Affairs. Young people advised on the format and wording of a questionnaire, which asked "Which human rights are most important in Ireland?" We received 3,930 responses in total – 1,613 from primary school children, 2,158 from young people and 159 from seldom-heard children and young people – and an independent researcher recorded and analysed the data.
9. Education/school was identified as the most important issue by 51.3% of children and young people, followed by shelter (45.9%), food and water (40.3%), equality or non-discrimination (33.5%), freedom of speech (23.7%), safety, security and protection (17.2%), family, marriage and the right to have children (14.2%), to be born free and equal (14.1%), healthcare and good health (12.2%) and life (11.1%). At a consultation event on 8 January 2016, children and young people advised on the presentation and format of the child-friendly version of the report. The full report documenting the process and findings³ is available on www.upr.ie.

III. Institutional framework for the protection of human rights

Irish Human Rights and Equality Commission

10. The Irish Human Rights and Equality Commission⁴ (IHREC) was established as an independent statutory body on 1 November 2014. It has "A" status as a national human rights institution (NHRI) with the International Coordinating Committee (**Recommendations 106.7, 106.8**).

11. The Commission has its own budget Vote and reports directly to the Oireachtas (Parliament) on expenditure. The Commission's Director is directly accountable to the Public Accounts Committee, the Parliamentary Committee responsible for establishing how public funds are spent. In 2014, the Commission's funding increased by 45% to €6.299m per annum (**Recommendation 106.12**).

12. The Irish Human Rights and Equality Commission Act 2014 introduces a positive duty on public bodies to have due regard to human rights and equality in their work and conduct their business in a manner that is consistent with individual human rights. The Commission will assist public bodies to comply with the positive duty, including by producing guidelines and codes of practice. This will lead to the systematic integration of an equality and human rights perspective into everyday work of public bodies (**Recommendations 106.13, 106.19, 107.12**).

Workplace Relations Commission

13. The Workplace Relations Commission⁵ (WRC) was established on 1 October 2015 as an independent statutory body⁶.

14. It assumed the roles and functions previously carried out by a number of state bodies. Its core services include inspection of employment rights compliance, provision of information, processing of employment agency and protection of young persons' (employment) licences, and provision of mediation, conciliation, facilitation and advisory services (**Recommendation 106.34**).

IV. Promotion and protection of human rights: developments, achievements and challenges since Cycle 1

A. Equality and non-discrimination

15. The Equality (Miscellaneous Provisions) Act 2015⁷ amends the Employment Equality Legislation⁸ to better protect employees against discrimination in an appropriate and balanced way, while respecting religious freedoms as guaranteed in the Constitution and in international law.

16. The amended section 37 now obliges employers in religious-run schools and hospitals to show that any favourable treatment of an employee or prospective employee is limited to the religion ground and that action taken against a person is objectively justified by reference to that institution's aim of protecting its religious ethos and that the means of achieving that aim are appropriate and necessary. The new provision raises the threshold for discrimination so that religious-run schools and hospitals must now show real damage to their ethos, and are precluded from discrimination on any of the other equality grounds⁹ (**Recommendation 107.45**).

17. The Act also prohibits discrimination in the letting of residential accommodation on the basis that a person is or is not in receipt of rent supplement or housing-assistance payment (**Recommendation 106.19**).

B. Right to life, liberty and security of the person

Combating domestic, sexual and gender-based violence

18. Following wide consultation, Ireland's *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021*¹⁰ envisages a range of actions for State, voluntary and community sector organisations aimed at preventing and responding to domestic, sexual and gender-based violence.

19. The Strategy contains an action plan¹¹ for ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), relevant elements for transposition of the EU Victims Directive into Irish law and practice and actions from the first national strategy.

20. This year, €950,000 is available for a 6-year national awareness-raising campaign to bring about a change in societal behaviours and attitudes on domestic and sexual violence against both women and men.

21. In July 2015, the Government published proposals for a new Domestic Violence Bill to improve protections available to victims of domestic violence, make it easier for them to obtain interim barring orders and provide for more victim-friendly courts processes. The privacy of the victim will be protected, and it will be possible to bar the perpetrator from communicating with the victim electronically. (**Recommendations 106.49, 106.50, 106.51, 106.53, 107.36, 107.37, 107.38**).

Trafficking in persons

22. A draft *National Action Plan to Prevent and Combat Human Trafficking in Ireland* was issued for consultation in June 2015. This new Plan seeks to build on progress made to date and address issues raised in independent international evaluations.

23. When finalised, the Plan will outline the Government's strategic approach to this issue and set out a clear work programme for state authorities to collaborate with civil society in advancing the fight against trafficking and enhancing the protection of victims. It will ensure that a comprehensive child-sensitive protection system is in place which provides for interagency and multidisciplinary co-ordination for child victims of trafficking.

24. An Amendment to the Criminal Law (Human Trafficking) Act 2008 was enacted in July 2013 to facilitate full compliance with the criminal law measures in EU legislation.¹²

25. This amended legislation criminalises trafficking for the purposes of forced begging and trafficking for other criminal activities. In addition, the 2013 Act¹³ contains provisions to better facilitate children giving evidence in criminal prosecutions.

26. The Garda (Police) Commissioner has established a Child Protection and Human Exploitation Unit. This Unit will cover child abuse, domestic violence, sexual violence and human trafficking (**Recommendations 106.49, 106.50, 106.51, 106.53**).

Victims of crime

27. Legislation to transpose the EU Directive on the rights, support and protection of victims of crime into Irish law is currently being drafted as a priority. The Bill is expected to be published early this year and will be enacted as soon as possible.

28. This will strengthen the rights of victims of crime and their families, ensure that victims and their needs are at the heart of the justice process and that rights to information, advice and other appropriate assistance are met. The Bill will introduce statutory rights for victims of crime.

29. The criminal justice agencies have been working to provide a service to victims in line with the standard set out in the EU Directive. An Garda Síochána have trained members of all ranks to implement the new policies and procedures to ensure that victims of crime receive a comprehensive response through dedicated Garda Victim Service Offices across all 28 Garda Districts.

Abortion

30. The Protection of Life During Pregnancy Act 2013¹⁴ regulates access to lawful termination of pregnancy where there is real and substantial risk to the life of a woman as a result of her pregnancy. The Act commenced on 1 January 2014 and the Guidance Document on the implementation of the Act was published later that year¹⁵.

31. The Committee of Ministers of the Council of Europe were satisfied that the Government has given effect to the ruling in *A, B and C v Ireland* by introducing the Protection of Life During Pregnancy Act 2013, related regulations and guidance document. The Committee of Ministers closed the case on 4 December 2014.

32. 26 terminations were carried out under the Act in 2014. 14 of these arose from a risk to the life of the mother arising from physical illness, 9 from a risk to the life of the mother from emergencies arising from physical illness, and 3 arose from a risk to the life of the mother from suicide ideation.

Legacy issues concerning people who were in institutional care

Magdalen Laundries

33. The Scheme of lump-sum payments and supports for women who were admitted to and worked in the Magdalen Laundries, St. Mary's Training Centre Stanhope Street, and House of Mercy Training School, Summerhill, Wexford, was welcomed by the majority of the women concerned. A woman is eligible for a payment of between €11,500 and €100,000, depending on length of stay (**Recommendation 107.40**).

34. To date, a decision has been made on over 99% of the 802 applications received¹⁶ and 606 applicants have received their lump sum payments at a cost of nearly €23m. The remaining applications are being dealt with as quickly as possible and the Scheme remains open to new applications.

35. In addition to the lump-sum, each woman is entitled to a top-up payment to bring her weekly income from the State up to the equivalent of the Irish Contributory Pension, €230.30 if 66 or over and €100 if under that age. This is in recognition that the women were not paid for the work they did while in the laundries. The women are also being provided with access to a range of primary and community health services free of charge.

Commission of Investigation into Mother and Baby Homes and Certain Related Matters

36. The statutory Commission of Investigation into Mother and Baby Homes and Certain Related Matters was established by the Government in February 2015 to provide a full account of what happened to vulnerable women and children in these Homes between 1922 and 1998. The scope of the Commission's investigation is broad, and includes seven specific areas of practice and procedure regarding care, welfare, entry arrangements and exit pathways for the women and children who were residents of these institutions.

37. The independent Commission has robust powers to conduct investigations within its terms of reference, including coercive powers available to assist in gathering evidence if necessary. The Commission has been tasked with reporting within 3 years and its reports will be published.

Symphysiotomy

38. Symphysiotomy was an exceptional and rare intervention in obstetric practice in Ireland. It occurred in less than 0.05% of deliveries between 1940 and 1985. Following examination of the two independent reports commissioned by the Government, it was agreed in July 2014 to establish an ex-gratia scheme for women who underwent the procedure. The Surgical Symphysiotomy Payment Scheme was designed following engagement by the Minister for Health with all three support groups, two of which welcomed its establishment. It provides an alternative, non-adversarial option for women, many of whom are elderly and do not wish to pursue their cases through the courts.

39. The Scheme caters for women who underwent a surgical symphysiotomy or pubiotomy in the State between 1940 and 1990. The Assessor is a retired High Court Judge. The Scheme is voluntary and women do not waive their rights to take their cases to court. Women may opt out of the Scheme at any stage in the process, up to the time of accepting their award; it is only on accepting the offer of an award that a woman must agree to discontinue legal proceedings. 578 applications were accepted and to 22 January 2016, 370 offers have been made ranging between €50,000 and €150,000. The allocations come to approximately €23m to end-2015.

40. The provision of the ex-gratia scheme, together with the ongoing provision of medical services by the HSE, including medical cards, represents a comprehensive response by Government to this issue.

Access to Justice

41. Following the decision by the people on 4 October 2013 in a referendum, the Court of Appeal was established in October 2014. It deals with appeals from the High Court in civil cases and appeals from the Circuit Criminal Court, the Central Criminal Court, or the Special Criminal Court in criminal cases. This represents significant reform of our courts system, and will reduce waiting time for the hearing and determination of appeals.

42. The Legal Services Regulation Act 2015¹⁷ reforms regulation and oversight of the legal profession and legal costs. As a result, for the first time, Ireland will have:

- an independent statutory regulator for all legal practitioners and an independent public complaints regime;
- a new single disciplinary tribunal for solicitors and barristers;
- new business models for legal partnerships;
- a new Office of the Legal Costs Adjudicator, together with new regulatory measures relating to legal fees.

43. The Act also introduces greater and more client-focussed transparency obligations in relation to legal costs, what clients must be told and how legal costs disputes may be resolved, and provides a pathway to the introduction, following research and consultation, of Multi-Disciplinary Practices.

44. Legislation has also been enacted to increase the number of High Court judges and heads of the Criminal Procedure Bill to further improve efficiencies in trials and court proceedings, including establishing pre-trial hearings, have been published.

Reform of policing

45. The Government has progressed a comprehensive programme of reform of the oversight, governance and accountability of An Garda Síochána, with the overall objective of ensuring that the confidence of the public in An Garda Síochána is maintained and the high quality and respected service that An Garda Síochána has provided is continued and enhanced to better meet the realities, requirements and expectations of 21st century policing.

46. The establishment of an Independent Policing Authority on 1 January 2016 is at the core of the Government reform programme. The primary function of the Authority will be to oversee the performance by An Garda Síochána of its functions in relation to policing services. Among the Authority's first tasks will be the approval of the overall Garda strategy for 2016-2018 and the development of a Code of Ethics for Garda members and civilian staff.

47. Under the new governance arrangements, the Garda Commissioner will retain operational independence and the Minister will remain accountable for policing to the Oireachtas (Parliament); the framework in which these functions are exercised will change to reflect the new oversight role of the Authority.

48. Other reform measures include enactment of new legislation to strengthen the role and remit of the Garda Síochána Ombudsman Commission (GSOC), and enactment of Protected Disclosures Act 2014¹⁸ which allows Garda members to make "protected disclosures" to GSOC in confidence in respect of alleged misconduct. In line with the recommendations of the Guerin Report, a Commission of Investigation chaired by Mr. Justice Kevin O'Higgins is examining matters arising from reports of alleged misconduct in the Cavan/Monaghan Division. In addition, Freedom of Information legislation now extends to aspects of the work of An Garda Síochána¹⁹.

Criminal Justice

Prison conditions – slopping out and overcrowding

49. The elimination of slopping out in the prison estate is a priority. Significant resources have been committed to this objective.

50. All wings in Mountjoy Prison have been completely refurbished, facilitating the elimination of the practice of slopping out in the prison. A completely new replacement prison in Cork is almost complete and will be operational in February 2016. All cells will have full in-cell sanitation.

51. A public consultation process on planning proposals for a major development at Limerick Prison has commenced. The proposed development will end the practice of slopping out in Limerick Prison and will include a new accommodation block for female prisoners. The enabling works for the redevelopment are scheduled to begin in 2016 with the main construction phase to start in early 2017.

52. In addition, planning is underway for a development at Port Laoise Prison that will bring slopping out to an end there. When the new Cork prison opens in February, slopping out will have been ended across the entire prison estate except for the A-wing at Limerick Prison and the E-block at Port Laoise Prison.

53. 2013 saw the first significant decrease in prison numbers since 2007. There were 15,735 committals to prison in 2013, a decrease of 7.6% from 2012. Overcrowding has been eliminated in Mountjoy Prison and priority has been given to reducing overcrowding in Cork, Limerick and the Dóchas Centre (women's prison).

54. We intend to reduce the capacity of our prisons to align with the Inspector of Prisons' recommended bed capacity of 3,977 insofar as this is compatible with public safety and the integrity of the criminal justice system. An examination of the figures on 18 January 2016 when there were 3,665 prisoners in custody shows that this figure was 92% of the Inspector's recommended total of 3,997 (**Recommendations 106.36, 106.37, 106.38, 106.39, 106.40, 106.41, 106.44, 106.45, 106.46, 106.47, 107.34**).

Alternatives to detention

55. Alternatives to custody continue to be pursued and various laws have been introduced in this regard (**Recommendation 106.43**). These include the Criminal Justice (Community Service) (Amendment) Act 2011²⁰ which requires the sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered.

56. The Fines (Payment and Recovery) Act 2014²¹ provides that the Court imposing a fine shall take into account a person's financial circumstances. It further provides that where a person fails to pay a fine the Court may make an attachment of earnings as a means of recovering an unpaid fine. As a result of this legislation it is expected that we will see a reduction in the number of committals to prison on short sentences. The Civil Debt (Procedures) Act 2015²² provides for the attachment of earnings or deductions from social welfare payments. The Act also makes provision for the abolition of imprisonment of debtors for non-payment of civil debts.

57. In conjunction with the Probation Service, the Irish Prison Service has continued the national rollout of the Community Return Programme, an incentivised scheme for earned temporary release under which carefully selected offenders can be granted structured temporary release in return for supervised community service. 1,541 prisoners have taken part in the Programme since October 2011, and 1,273 have completed it.

58. Community Support Schemes have been set up in Cork Prison, Mountjoy Campus, West Dublin Campus and Limerick Prisons. Community Service may be used by the courts in lieu of a prison sentence, aiming to reduce recidivism rates by arranging for additional support and providing for a more structured form of temporary release. Convicted offenders may be given the opportunity to perform between 40 and 240 hours of unpaid work for the community.

Towards ratification of OP-CAT

59. The Department of Justice and Equality is working on the Inspection of Places of Detention Bill to allow for ratification of OPCAT. The key requirement is to provide for a National Preventative Mechanism/s (NPMs).

60. We have commenced a consultation process examining this issue. On 23 November 2015, the Department of Justice and Equality hosted an Open Policy Debate, on proposals for a Criminal Justice Inspectorate²³.

61. We are continuing to engage in consultation with civil society and academia at this stage. An options paper is being developed incorporating material from the Open Policy Debate and international best practice to facilitate further consultation (**Recommendations 106.2, 106.3**).

DNA database

62. Following enactment of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014²⁴, a DNA database system has been established. The legislation replaces

former arrangements governing the taking of samples for forensic testing from suspects for use as evidence in criminal investigations and proceedings.

Criminal Law (Sexual Offences) Bill 2015

63. The Criminal Law (Sexual Offences) Bill will strengthen the law to combat child pornography, the sexual grooming of children, incest, exposure and other offensive conduct of a sexual nature.

64. There is also recognition of the needs of victims of sexual offences and those who assist them. Provisions are included which will regulate and bring certainty to the disclosure of counselling and therapy records in sexual offence trials. In addition, amendments to criminal evidence legislation acknowledge the difficult experience which a trial process may be for the victim of a sexual offence. The Bill will also criminalise those who purchase sexual services.

65. The Bill will reform Section 5 of the Criminal Law (Sexual Offences) Act 1993 to facilitate the full participation in family life of persons with intellectual disabilities and the full expression of their human rights. Achieving the necessary balance between those rights and ensuring appropriate protection is crucial. This will overcome one of the barriers to ratification of the UN Convention on the Rights of Persons with Disabilities.

66. The Bill will also ensure compliance with the criminal law provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (**Recommendation 106.6**). Enactment is expected this year.

C. Freedom of religion and belief

67. Please see IV.A.

D. Right to participate in public and political life

68. A Working Group on Citizen Engagement with Local Government set up to recommend a more extensive and diverse input by citizens into the decision-making processes at local government level, reported in February 2014²⁵. It proposed a mechanism to enable the community and voluntary and environmental sectors to take an active formal role in policy-making and oversight activities of Local Authorities, via a Public Participation Network (PPN), now set up in all Local Authority areas.

Children's Participation in Decision-Making

69. In June 2015, the Government launched the first *National Strategy on Children and Young People's Participation in Decision-making (2015-2020)*²⁶. This is the first such strategy in the EU. The Strategy's primary goal is to ensure that children and young people have a voice in their individual and collective everyday lives. The Strategy is guided and influenced by the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights.

70. The Action Plan contains commitments from Government Departments and state agencies to involve children and young people in their decision-making processes. A key action is the development of a National Children and Young People's Participation Hub in the Department of Children and Youth Affairs. This hub will act as a national centre for excellence and will provide information, training, resources and support for implementation of the actions in the National Strategy.

Social Inclusion and Community Activation Programme (SICAP)

71. SICAP, which reduces poverty and promotes social inclusion and equality through local, regional and national engagement and collaboration, received funding of €28m for the nine months of its operation in 2015 and €37m in 2016. SICAP encompasses a lifecycle approach and its Programme Implementers are engaging with young people living in disadvantaged areas and/or are members of one of its target groups to:

- support young people who have left, or are at risk of leaving, education to help prevent early school-leaving and encourage those who might have left to return, as well as to assist with the transition to further education or training, or to a job;
- move disadvantaged young people who are not in employment, education or training closer to the labour market; and
- assist young people in engaging with service providers and policymakers at local, regional and national level.

72. In 2015, SICAP provided 315 individuals who self-identify as Travellers with one-to-one educational or employment supports, and 28 local community groups focused on Travellers with direct supports, and has engaged with 53 structures and networks that have some involvement with Traveller organisations in their areas. 5 SICAP Programme Implementers have also undertaken activities with Traveller children in their areas (**Recommendation 106.32**).

E. Right to privacy, marriage and family life

Gender Recognition Act 2015

73. The Gender Recognition Act 2015²⁷ provides for the preferred gender of a person to be fully recognised by the State for all purposes. A Gender Recognition Certificate Holder may subsequently apply for a birth certificate in their preferred name and/or gender where their birth is registered in the State. Children between the ages of 16 and 18 may apply for a Gender Recognition Certificate with court approval.

Children and Family Relationships Act 2015

74. The Children and Family Relationships Act 2015²⁸ modernised the law regarding children living in diverse family forms and established that the best interests of the child are paramount in decisions on custody, guardianship and access. Provisions on guardianship, custody and access were commenced on 18 January 2016.

Marriage equality

75. Following the result of the May 2015 referendum, Ireland enacted the Marriage Act 2015²⁹. Same-sex couples can now marry and enjoy the same constitutional rights and protections as all families (**Recommendation 107.44**), and marriages between same-sex couple contracted in other jurisdiction are recognised as marriages in Ireland.

Civil Registration (Amendment) Act 2014

76. The Act³⁰ includes provisions for the compulsory registration of fathers' names on birth registrations, as well as provisions which make it more difficult to broker a marriage of convenience in the State. Evidence of intention to undertake a marriage of convenience is now an impediment to marriage and a registrar has the right to investigate. The Act also provides for increased sharing of information in relation to suspected sham marriages

between the Department of Social Protection and the Department of Justice and Equality (**Recommendations 106.54, 107.43**).

Rights of adopted people

77. The Adoption (Information and Tracing) Bill 2015 will provide a statutory basis for the provision of information on both past and future adoptions. It will provide clarity on the information that can be provided. The Bill is expected to be enacted in 2016.

F. Right to work and to just and favourable conditions of work

Reforms

78. The establishment of the Workplace Relations Commission consolidated and streamlined Ireland's former employment rights bodies. The Labour Court hears all appeals of decisions of the Workplace Relations Commission in all disputes arising under industrial relations and employment rights enactments.

National Minimum Wage

79. The establishment of the Low Pay Commission on a statutory basis in 2015 to examine and make annual recommendations on the national minimum wage, and the raising of the national minimum hourly rate of pay from 1 January 2016 to €9.15 per hour for an adult worker, has resulted in more favourable pay conditions for those on minimum rates of pay.

80. The National Minimum Wage applies to all employees, including full-time, part-time, temporary and casual employees, except for employees who are close relatives of the employer, or employees undergoing certain structured training.

Industrial Relations

81. The Industrial Relations (Amendment) Act 2015 provides for the reintroduction of a mechanism for the registration of employment agreements between an employer or employers and trade unions governing remuneration and conditions of employment in individual enterprises. It also provides for a new statutory framework for establishing minimum rates of remuneration, pension and sick pay, to replace the former sectoral Registered Employment Agreements. It provides for reforming the law on employees' right to engage in collective bargaining, in compliance with the recent judgment of the European Court of Human Rights.

G. Social security and the right to an adequate standard of living

Fiscal consolidation and recovery

82. Ireland's comprehensive welfare system has played a central role in protecting those who are unemployed and other vulnerable groups following the economic crisis. A key component of the Government's welfare policy since 2011 was to maintain the value of core weekly rates of welfare payments. Eligibility to means-tested welfare schemes was not restricted as welfare dependency increased. While measures to curtail welfare expenditure were introduced over the period up to 2014, the recovery has enabled the Government to introduce a range of welfare improvements in 2014 and 2015.

83. A key statistical measure of how Government has protected the most vulnerable is the impact of social transfers on the at-risk-of-poverty rate. The latest (2014) data show that

social transfers lifted a fifth of the population out of poverty, reducing the at-risk-of-poverty rate by 56%. This is an improvement on the pre-crisis period, when the poverty reduction effect was 50%. Ireland has the strongest performance in reducing poverty through social transfers of all EU member states and is almost twice the EU norm. As a result, Ireland's at-risk-of-poverty rate is below the EU average and is ranked 12th of all EU member states.

84. The current strong recovery phase is highlighted by the decrease in the unemployment rate from over 15% in 2012 to 8.6%. The social impact assessment of the main welfare and tax measures introduced in 2015 and 2016 shows that the incomes of households in the poorest two quintiles have increased by around 2%. Households containing children have gained the most, including lone parents and those unemployed.

85. The latest official data for 2014 show that poverty levels have stabilised for the first time following the economic crisis. It is expected that with further increases in employment and the impact of new welfare measures, household incomes and living standards will continue to recover.

Bankruptcy and personal insolvency

86. Considerable progress has been made in addressing the problems associated with personal debt during the economic crisis, and ensuring fair and realistic outcomes both for debtors and for creditors. The Personal Insolvency Act 2012³¹ introduced three new debt resolution mechanisms to help mortgage-holders and other people with unsustainable debt to reach agreements with their creditors.

87. The Bankruptcy (Amendment) Act 2015³² reduces the normal duration of bankruptcy from 3 years to 1 year, and reduces the normal maximum duration of orders requiring payments to creditors from any income of the bankrupt person, from 5 years to 3 years.

H. Right to health

Children's access to healthcare

88. The Government is committed to the extension in 2016 of General Practitioner (GP) care without fees to all children aged under 12 years. This follows on from the introduction of GP care without fees for all children aged under 6 from 1 July 2015.

Towards achieving universal healthcare

89. The Government is committed to a major programme of health reform, the aim of which is to deliver universal healthcare, with access to services based on need and not ability to pay (**Recommendations 106.29, 106.56, 106.57**).

90. The introduction of universal healthcare is the most fundamental reform of our health service in the history of the State. Both the research undertaken to date and that planned for the next phase of the research programme, including cost modelling, will assist Government in deciding the best long term approach to achieving this important goal.

91. In the meantime, a number of important initiatives that represent key building blocks for universal healthcare are being progressed, including the strengthening of primary care, the introduction of more efficient payment systems such as activity-based funding, the creation of Hospital Groups and Community Healthcare Organisations, the introduction of a wide-ranging package of patient safety reforms, and the maintenance of a vibrant and sustainable health insurance market. These are important initiatives with the potential to drive performance improvement and timely access to high quality care.

Mental Health

92. A major reform of mental health legislation is underway following the publication of an Expert Group Review of the Mental Health Act 2001³³.

93. Two priority amendments in respect of the administration of ECT (electro-convulsive therapy) and medicine (after a 3-month period) have been made and will come into operation on 15 February 2016. Both amendments ensure that the authority to administer ECT or medicine (after a 3-month period) to an involuntary patient with capacity who is unwilling to consent to the treatment will be removed.

94. Government mental health policy is set out in *A Vision for Change*³⁴, which provides a framework for action to develop a modern, high-quality, community-based, person-centred mental health service over a 7- to 10-year period. It is intended to progress the drawing up of an updated and revised mental health policy in 2016 (**Recommendation 107.16**).

95. A new suicide strategy, *Connecting for Life – Ireland's National Strategy to reduce Suicide 2015 – 2020*³⁵ (June 2015) sets out a vision of an Ireland where fewer lives are lost through suicide, and where communities and individuals are empowered to improve their mental health and wellbeing. The Strategy adopts as a minimum target the WHO 2014 goal of a 10% reduction in the suicide rate.

I. Right to housing

96. The Government's *Social Housing Strategy 2020*³⁶ (November 2014) aims to meet the housing need of some 110,000 households who are qualified for social housing support. €2.9bn in capital funding has been committed for that purpose.

97. In the period 2011 to 2014, some 26,000 new social housing units were provided under a range of investment programmes. Over 13,000 units have been delivered in 2015, representing an 86% increase on the 7,000 units delivered in 2014. The provision of social housing has again been given priority in 2016, with total investment (exchequer and local authority own resources) of €933m for over 17,000 new homes.

98. In November 2015, the Government announced a new integrated housing package *Stabilising Rents, Boosting Supply*³⁷, which includes measures to give certainty to tenants in relation to their rent, to better protect tenants in their homes, and to provide clarity to both tenants and landlords as regards their rights and obligations.

Homelessness

99. One significant challenge since Cycle I is homelessness. The Government's *Homelessness Policy Statement*³⁸ (February 2013) makes explicit the Government's commitment to a housing-led approach to end long-term involuntary homelessness.

100. A range of measures are being taken to secure a ring-fenced supply of accommodation for homeless households and mobilise the necessary supports. These measures have been identified in the *Government's Implementation Plan on the State's Response to Homelessness*³⁹ (May 2014) and in the *Action Plan to Address Homelessness*⁴⁰ (December 2014).

J. Rights of the child

101. Children are now specifically recognised as rights-holders in their own right in the Irish Constitution, following a referendum in 2012. The new provision requires that the

best interests of the child are the paramount consideration and the voice of the child be given due weight in specified Court proceedings (**Recommendations 106.9, 106.10, 106.11, 107.9, 107.10, 107.12**).

102. Provision made in legislation for this principle, including the Child and Family Agency Act 2013⁴¹, the Children and Family Relationships Act 2015 and the Children First Act 2015, illustrate Ireland's commitment to a child-centred approach.

103. The ongoing implementation of *Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People 2014-2020* is demonstrably rooted in the values and principles that the Constitutional amendment represents. Implementation of the Framework is a 'whole-of-government' commitment which is being driven with involvement by non-governmental interests in the sector.

Establishment of the Child and Family Agency

104. Tusla (the Child and Family Agency) was established on 1 January 2014 as a single, dedicated State agency responsible for improving wellbeing and outcomes for children. Its establishment represents one of the most ambitious and far-reaching public sector reform projects undertaken by Government. Tusla brings together some 4,000 staff and in 2016, has funding of some €676m, an increase of €38m over 2015.

105. The Agency brings a dedicated focus to child protection, family support and other key children's services and is responsible for a range of services, including:

- Child welfare and protection services, including family support services;
- Family Support Agency responsibilities;
- National Educational Welfare Board responsibilities;
- Pre-school inspection services;
- Domestic, sexual and gender-based violence services;
- Community-based services related to the psychological welfare of children and families.

106. Tusla also has statutory responsibility for separated children seeking asylum (**Recommendation 106.17**). For such children, a statutory care plan is developed and if appropriate, an application for asylum will be made on behalf of the child.

Child protection

Children First Act 2015

107. The Children First Act 2015⁴² forms part of a suite of child protection legislation which also includes the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. The Act:

- makes better provision for the care and protection of children, including raising awareness of child abuse and neglect;
- provides for reporting and management of child protection concerns;
- improves child protection arrangements in organisations providing services to children;
- provides statutory arrangements to promote cross-sectoral implementation and compliance with Children First;

- provides for a register of non-compliance for a provider of a relevant service who fails to provide the Child and Family Agency with a copy of a child safeguarding statement; and
- provides for abolition of the defence of reasonable chastisement in relation to corporal punishment.

Children in care – right to participation in child welfare and protection issues

108. The rights of children, with regards to those in care and child welfare and protection issues, to participate and be consulted are set out on a statutory basis⁴³. The National Standards for statutory care and child protection services are child-centred and state that services must recognise children's rights, including their right to be listened to and participate in decisions made about them and their care.

109. Children in care have a right to a statutory social worker and to statutory care planning and review. Within the care planning and review process the child is consulted and the plan put in place with regard to the child's best interest.

Corporal punishment

110. From 11 December 2015, children in Ireland have the full protection of the law on assault, regardless of by whom or in what setting the assault occurs (**Recommendations 107.41, 107.42**).

111. In the case of parents, or persons acting *in loco parentis*, the common law defence of 'reasonable chastisement' has now been abolished pursuant to section 28 of the Children First Act 2015⁴⁴.

112. The use of corporal punishment is prohibited in all foster care and child care residential settings.

Children in detention

113. St. Patrick's Institution will be closed very shortly. Responsibility for 16-year old males remanded in custody or sentenced to detention was transferred from the Irish Prison Service (IPS) to the children detention schools campus at Oberstown in May 2012. In addition, responsibility for 17-year old males who are remanded in custody was transferred to the Oberstown campus from the IPS in March 2015.

114. The Children (Amendment) Act 2015⁴⁵ will enable the full transfer of responsibility for children in detention to the children detention schools. The Act provides for the repeal of all provisions which permit the detention of children in adult prison facilities and will be commenced when sufficient qualified staff are in place in Oberstown to operate the facility safely.

115. The Prisons Act 2015⁴⁶ provides not only for the complete closing of St Patrick's Institution but also for the general removal of references to St Patrick's from the statute book. In particular, the Act will repeal all the legislative provisions that enable the courts to order the detention of young persons in St. Patrick's.

Youth Justice

116. *Tackling Youth Crime, a Youth Justice Action Plan, 2014-2018*⁴⁷ focuses on continuing the downward trends in high-volume crime and detention. The opinions and experiences of children involved in the youth justice system have influenced the development of these interventions.

117. In accordance with the Action Plan, a new Bail Supervision Scheme is to be introduced on a pilot basis in 2016 and will provide more therapeutic supports in the community for children who are subject to bail conditions. The goal of this measure will be to further reduce the number of children remanded in custody due to breach of bail conditions.

118. 7 new Garda Youth Diversion Projects were announced in January 2016, bringing the number of Diversion Projects nationwide to 110. The Government also announced the roll-out of the first phase of a pilot mentoring service for young people coming to the attention of An Garda Síochána.

K. Right to education

Early Childhood Care Education

119. €85m in additional investment in early years and school-aged childcare was announced in Budget 2016, enabling an extension of the Early Childhood Care Education (ECCE) Programme to provide free pre-school education from September 2016 for children from 3 years until they start primary school or reach 5 and a half years. This initiative will better integrate the educational experience of young children, providing a smoother transition between pre- and primary school, and increases investment in free pre-school education by €47m to €219.4m in 2016.

120. This investment also provides for supports to enable children with disabilities to participate fully in the ECCE Programme, including enhanced continuing professional development for childcare staff; grants for equipment, appliances and minor alterations; and access to therapeutic intervention. €15m has been provided to phase in supports during 2016, with a full-year cost of around €33m from 2017.

Pluralism and Patronage

121. As stated in our National Interim Report, the Report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector recommended steps that could be taken to ensure that the education system can provide a sufficiently diverse number and range of primary schools to cater for children of all religions and none. The Forum's recommendations are currently being implemented.

122. The National Council for Curriculum and Assessment launched a consultation process on proposals for a curriculum in Education about Religions and Beliefs (ERB) and Ethics to run until Spring 2016.

123. The Forum also advised on the practicalities of transferring/divesting patronage for individual primary schools where appropriate and necessary. 8 new primary schools have opened under the patronage divestment process and work is continuing to advance choices in other identified areas. All 8 schools have a multi-denominational ethos.

124. In areas of population growth, the process for establishing new schools takes account of parental preferences. Since 2011, 42 new schools have opened to meet demand for schooling provision in areas of demographic growth (24 primary schools and 18 post-primary schools). 39 of these schools have a multi-denominational ethos (Recommendation 107.27).

Admission to Schools

125. The Education (Admission to Schools) Bill 2015 aims to ensure that how schools decide on who is enrolled and who is refused a place in schools is more structured, fair and transparent.

126. The Bill provides for a school to explicitly state in its admission policy that it will not discriminate against an applicant for admission on the grounds of disability, special educational needs, sexual orientation, family status, membership of the Traveller community, race, civil status, gender or religion, while including provision for single-sex schools and denominational schools to reflect their specific ethos in their admission policy. It also provides that school enrolment policies must include details of the school's arrangements for students who do not wish to attend religious instruction. The Bill strengthens the capacity to ensure that all children are catered for (**Recommendation 106.56, 107.27**).

Equity of Access to Higher Education

127. A new *National Plan for Equity of Access to Higher Education 2015-2019⁴⁹* was launched in December 2015. The Plan aims to assist under-represented groups to participate in third level education, and takes a mainstreaming approach, so that responsibility for promoting greater diversity extends beyond designated access officers and becomes the responsibility of everyone working in higher education institutions. The Plan includes the first national target to increase representation in higher education by members of the Traveller community (**Recommendations 106.30, 106.32, 106.56**).

L. Rights of persons with disabilities

Towards ratification of UN CRPD and OP-CRPD

128. We are committed to proceeding to ratification as quickly as possible, taking into account the need to ensure all necessary legislative and administrative requirements under the Convention are met.

129. On 21 October 2015, the Government published a roadmap to Ireland's ratification of the CRPD which outlines legislative changes to be undertaken to enable Ireland to ratify the Convention, along with the estimated timeframe involved (**Recommendations 106.1, 106.5**).

130. The *Roadmap to Ratification⁵⁰*, with a deadline of end-2016, shows that there is a substantial legislative agenda to complete across a number of Departments. It also sets out the considerable work currently underway to deal with outstanding barriers to Ireland's ratification.

131. It is intended that Ireland will sign and ratify OP-CRPD at the same time as the Convention is ratified (**Recommendations 107.1, 107.2**).

New National Disability Inclusion Strategy (2016-2019)

132. The Department of Justice and Equality, together with the National Disability Authority and the National Disability Strategy Implementation Group (NDSIG) is undertaking a comprehensive consultation process with a view to putting in place a revised National Disability Inclusion Strategy. The consultation process provides the opportunity to interested parties to make recommendations in key areas such as service provision, accommodation, health, employment, and education.

133. It is intended that a revised Strategy will run from 2016 to 2020 and will be in place early this year (**Recommendations 106.15, 106.16**).

People with disabilities – Employment

134. The Government published the *Comprehensive Employment Strategy for People with Disabilities⁵⁰* in October 2015. It sets out a 10-year approach to ensuring that people

with disabilities who are able to and want to work are supported and enabled to do so. The Strategy requires a concerted cross-government approach that brings together actions by different Departments and state agencies to address the barriers and challenges for employment of people with disabilities.

135. We recognise that people with disabilities in Ireland are only half as likely to be in employment as others. The Strategy aims to increase the employment rate of people with disabilities from 33% in 2011 to 38% by 2024, and ensure that people with disabilities will not be left behind as employment recovers.

136. The Strategy's measures seek to address the barriers to employment and improve pathways to work. A group to oversee the implementation of the Strategy has been established and will monitor the progress of the six strategic priorities⁵¹, ensuring that each Government Department is fulfilling its obligations and meeting necessary targets (**Recommendation 106.16**).

Capacity legislation

137. The Assisted Decision-Making (Capacity) Act 2015 is a comprehensive reform of the law on decision-making capacity. It is underpinned by a series of guiding principles which govern all actions encompassed by the Act. These enshrine a human rights approach into the legislation. A person is presumed to have capacity unless otherwise determined. An intervention must be made in a manner that minimises the restrictions on a person's rights and freedom of action. It must have due regard to the need to respect the right of the person to his or her dignity, bodily integrity, privacy and autonomy. The person's will and preferences are central to the decision-making process.

Autism

138. Aware of the need to place a particular focus on autism, the Government adopted a programme of Additional Actions on Autism in June 2015. Key actions include:

- enhancing autism awareness in the public sector;
- providing guidance on autism for professionals in the justice system;
- ensuring that the Codes of Practice developed to implement the Assisted Decision-Making (Capacity) legislation take on board existing guidance relating to people with autism;
- up-skilling of key Health Service Executive personnel, teachers and special needs assistants;
- providing information supports for families with children with a disability, including those with autism;
- provision of multidisciplinary therapy services;
- providing improved housing supports to people with autism through training and guidance for housing support personnel; and
- addressing the needs of adults with autism.

M. Travellers and Roma

139. Our work to promote equality and inclusion in Irish society of the Traveller and Roma communities includes putting in place strong monitoring methods to evaluate the impact of inclusion actions in the key priority areas of health, education, employment, housing and anti-discrimination (**Recommendations 106.30, 106.31, 160.32, 160.33,**

107.31, 107.32). Some €400m has been invested in Traveller-specific accommodation in the past 15 years. €5.5m will be provided in 2016 for Traveller-specific accommodation, representing an increase of €1.2m (28%) on the 2015 capital provision.

140. To ensure availability of accurate, detailed and complete data on the situation of Roma and Travellers in Ireland and to identify measures put in place to tackle exclusion and discrimination, the development of a Data Collection Strategy will form part of the new National Traveller and Roma Inclusion Strategy for implementation in 2016.

141. In December 2013, the serving Ombudsman for Children carried out a special inquiry into the removal of two Roma children from their families. One of the key recommendations made by Ms Emily Logan in her Report of the investigation was that an assessment of the needs of the Roma community be undertaken. That assessment being undertaken by the Department of Justice and Equality in partnership with a leading Traveller and Roma NGO – Pavee Point – will be completed shortly. Building trust with the Roma community and genuine consultation with Roma interests is vitally important and to that end, the research and contact work on the ground is being undertaken by a number of trained peer researchers from the Roma community.

142. The Garda Racial, Intercultural and Diversity Office (GRIDO) recently extended recording of bias motivation indicators for hate-motivated incidents on the Garda PULSE system to include anti-Traveller and anti-Roma, as well as anti-Muslim, transphobia, age-related, gender-related and disability-related. These, in addition to the existing bias motivation indicators of anti-Semitism, homophobia, racism, sectarianism and xenophobia, will enable more comprehensive collection of data when recording incidents, and forms part of the victim assessment in accordance with the EU Victims Directive 2012/29.

Funding for Traveller Organisations

143. Under the Local Community Development Programme (LCDP), over €4.23m was provided to three national Traveller organisations (the National Traveller Partnership (NTP), Pavee Point, and the National Traveller Women's Forum) from 2012-2014. In 2015, the NTP received €1.18m under the LCDP and the funding stream for the other two organisations transferred to the Department of Justice and Equality to contribute to a new support scheme for Travellers. As from 2016, it is intended that the Support Scheme for Travellers will form part of a new National Strategic Framework to also include support for the local Traveller Interagency Groups (TIGs).

Recognition of Travellers as an ethnic group

144. At the request of the Minister of State for Equality – and following an earlier round of consultations with other Departments and the Traveller community on this issue – the Department of Justice and Equality has engaged in continued discussions with Traveller interest groups with a view to developing a precise understanding of the legal implications, if any, of the recognition that the Traveller community is seeking. To facilitate a focussed discussion, the 4 national-level Traveller NGOs agreed a formal statement of what they are seeking and what they envisage such recognition will achieve in practical terms as well as in terms of the status and position of Travellers in Irish society. The paper does not suggest that there are any legislative implications, or any implications for public expenditure in the State, or that there are any international human rights law issues or obligations associated with such recognition. The Minister of State subsequently hosted a round-table discussion with relevant Government Departments and Traveller representatives with a view to clarifying any remaining issues.

145. There is a consultation process underway led by the Department of Justice and Equality to develop a new National Traveller and Roma Inclusion Strategy. Phase 1

(identification of key themes for the new Strategy) has been completed, and Phase 2 (identification and agreement of high-level objectives under each agreed theme) has commenced. The final Phase, Phase 3 (identification of detailed actions to achieve each agreed objective, with associated timescales, Key Performance Indicators, institutional responsibilities and monitoring arrangements), will commence once Phase 2 has concluded.

146. This process will lead to a new Traveller and Roma Inclusion Strategy and a set of actions to be taken to bring about a real improvement in quality of life for Travellers. The question of formal recognition of Travellers as an ethnic group is being progressed in the context of discussions on the new Strategy, taking the clarifications put forward by the Traveller NGOs fully into account.

N. Gender equality

Gender pay gap

147. The most recent provisional figures provided by the Central Statistics Office (CSO) and released by the European Commission show that the gender pay gap, in unadjusted form, stood at 14.4% in Ireland in 2012 (**Recommendation 106.20**). These figures compare with an EU average for 2012 of 16.5 % and a gap of 13.9% in Ireland in 2010.

Women's participation in public life and decision-making roles

148. Following publication of *Towards Gender Parity in Decision-Making in Ireland*⁶², prepared by the National Women's Strategy Monitoring Committee and adopted by Government, the Department of Justice and Equality, in partnership with the employers' organisation, IBEC and the National Women's Council of Ireland, sourced funding under the EU Progress programme for a project to promote greater gender balance in leadership and decision-making in the public and private sectors. Actions included a series of conferences, the development of training on unconscious gender bias, and a mentoring and leadership development training programme for senior female staff in the Civil Service (**Recommendations 106.21, 106.59**). The National Interim Report outlined legislative measures to ensure improved representation of women in politics.

Paternity leave and paternity benefit

149. The Budget 2016 announcement included a commitment to introduce 2 weeks paid paternity leave. The Departments of Justice and Equality and Social Protection are working together to develop proposals for the necessary amendments to social welfare and family leave legislation, to meet the September 2016 deadline for introduction of paternity leave and paternity benefit.

O. Migrants, refugees and asylum seekers

Naturalisation

150. Citizenship Ceremonies were first introduced in June 2011. By the end of 2015, a total of 115 Citizenship Ceremonies had been held in Dublin, Cork, Waterford, Galway, Templemore and Tipperary and 68,181 applicants have received their Certificates of Naturalisation at Citizenship Ceremonies.

Response to the migration crisis in central and southern Europe

151. As part of the Government's response to the migration crisis in central and southern Europe, on 10 September 2015, the Government established the Irish Refugee Protection

Programme (IRPP) to provide a safe haven for persons seeking international protection. The Programme involves International protection for up to 4,000 persons overall under the EU Resettlement and Relocation Programmes. It is expected that these numbers will be augmented by further family reunifications. The resettlement programme for 520 people mainly coming from Lebanon and predetermined as refugees by the UNHCR has already commenced and the first Syrian refugees have arrived. The number of persons in need of international protection will be kept under review.

International Protection Act 2015 and family reunification provisions

152. The International Protection Act 2015⁵³ is a key reform at a time of great and renewed challenge in the asylum/migration area. Under the single procedure, an applicant will make one application for international protection (asylum) only, and will have all grounds for seeking international protection and to be permitted to remain in the State examined and determined in one process.

153. The legislation provides that the best interests of the child shall be a primary consideration in dealing with the extension to qualified persons of certain rights including permission to reside and to travel and permission to enter and reside for family members of qualified persons (**Recommendation 107.21**).

154. The introduction of the single application procedure brings Ireland's international protection system into line with other EU Member States and will mean faster processing of new applications for international protection, and significantly reduced time for applicants in Direct Provision accommodation.

Working Group on the Protection Process, including Direct Provision and Supports for Asylum Seekers

155. The Working Group on the Protection Process, including Direct Provision and Supports for Asylum Seekers, was established in October 2014 under the chairmanship of a former High Court judge. Its membership included representatives of Government Departments and NGOs.

156. The Working Group's report⁵⁴ was published in June 2015 and includes 173 recommendations, including recommendations with regards to establishing a standard setting committee and the establishment of an Inspectorate, independent of the Reception and Integration Agency (RIA) to inspect Direct Provision Centres against new standards.

157. Cross-Government consideration of implementation of the Report's recommendations is ongoing through the medium of the Cabinet Committee on Social Policy and Public Service Reform.

158. Some of the recommendations have already been implemented. Priority was given to enacting legislation to speed up the application process for international protection (see above). The Minister for Health has signed an order exempting persons in receipt of a Direct Provision allowance from prescription charges and the Minister for Education and Skills has initiated a pilot grants scheme to support students in the protection process who have spent 5 years in the Irish school system, to access third-level studies this year.

Consultation with children in Direct Provision

159. During October and November 2015, the Citizen Participation Unit of the Department of Children and Youth Affairs conducted consultations with approximately 90 asylum-seeking children and young people (aged 8–17) living in Direct Provision, in co-operation with the Reception and Integration Agency (RIA) of the Department of Justice and Equality. An independent researcher is compiling a report of the consultations. The

RIA has committed to giving consideration to the views of the children in the forthcoming series of reforms aimed at improving conditions, particularly for families and children, in Direct Provision.

Anti-racism and integration

160. As mentioned in Ireland's previous National and Interim Reports, the Government is firmly committed to combating and challenging any and all manifestations of racism. A review of our approach to the integration of migrants was launched in 2014 and provided the basis for a new and updated migrant integration strategy, which will be published shortly. The new Integration Strategy will include a strong anti-racism component, with specific areas for action to promote intercultural awareness and to combat racism and xenophobia.

161. Actions in this regard are already underway. The Minister for Justice and Equality recently approved a review of the Prohibition of Incitement to Hatred Act 1989 in the light of reports by civil society, international obligations and the experience of other jurisdictions, given the age of the legislation, the changes in Irish society and the use of the internet and social media since its enactment.

P. Transparency and good corporate governance

162. The Criminal Justice (Corruption) Bill 2015 will consolidate and reform all the legislation currently cited as the Prevention of Corruption Acts 1889 - 2010 in a single statute.

163. (See section II.B, Reform of Policing, on establishment of an independent Policing Authority, strengthening of the remit of GSOC, enactment of the Protected Disclosures Act 2014 and extension of Freedom of Information legislation.)

Charities Regulatory Authority

164. The Charities Regulatory Authority⁵⁵ (CRA) was established on 16 October 2014. It is an independent agency and aims to promote compliance by charity trustees with their duties in the control and management of charitable trusts and charitable organisations, and in doing so, increase public trust and confidence in the sector.

Q. Foreign policy and overseas development aid

165. Ireland's policy for international development, *One World, One Future*⁵⁶ (May 2013) firmly places human rights as one of the main goals of our overseas aid programme and commits to ensuring that human rights principles and standards are promoted, protected and integrated in all of our development efforts. The aid programme is assisting poor and marginalised people and communities to realise their rights by supporting their participation and empowerment, working to strengthen accountability and transparency, and promoting equality and non-discrimination. Ireland provides funding to a wide range of NGOs working on human rights issues, supports national human rights commissions in a number of developing countries and the Office of the High Commissioner for Human Rights.

166. Ireland was actively engaged in the UN process to establish the Sustainable Development Goals (SDGs). Throughout Ireland's co-facilitation of intergovernmental negotiations, Ireland joined efforts to ensure a Sustainable Development Agenda that leaves no-one behind and which recognises that the enjoyment of all human rights is essential for

development. The 2030 Agenda for Sustainable Development emphasises the responsibility of all States to respect and protect human rights without discrimination.

167. Since the last review, and during a period of extraordinary economic difficulties, the Government demonstrated a sustained political commitment to Ireland's programme of international cooperation, and protected the overseas development aid budget to the greatest extent possible. For 2016, the Government announced the first substantial increase in the aid budget in over 7 years. As our economic recovery strengthens and consolidates, we will continue to make sustainable progress towards the UN target of 0.7%.

R. International human rights obligations and engagement

168. Ireland's election to the United Nations Human Rights Council from January 2013 to December 2015 provided an opportunity to make an enhanced contribution to the promotion and protection of human rights globally. During our membership, Ireland maintained its long-standing positions on freedom of religion or belief, human rights defenders, rights of the child, the death penalty, gender equality, the rights of LGBTI persons and many other key issues. Ireland led two national initiatives at the Council: the first on the promotion and protection of civil society space and the second on preventable morbidity and mortality of children under five. Ireland took an active part in Council debates and resolutions on situations of concern across all regions, without selectivity, wherever human rights crises came before the Council ranging from the situation in the occupied Palestinian territories, Syria, Yemen and Libya to DPRK, Cambodia and Myanmar, as well as Central African Republic, Burundi, Sudan and South Sudan among many others. Ireland remains fully committed to the promotion and protection of human rights worldwide through our status as observers at the Council.

169. In *The Global Island: Ireland's Foreign Policy for a Changing World*⁵⁷ (January 2015), the Government made a commitment to improve the coherence of the promotion and protection of human rights in Ireland's Foreign Policy, including through the establishment of an Inter-Departmental Committee on Human Rights. Its responsibilities include assisting progress towards the ratification by Ireland of key international human rights treaties and ensuring timely reporting to human rights monitoring bodies.

Ratification of human rights instruments

- Declaration made by Ireland upon ratification, on 18 November 2002, to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict pursuant to Article 3, paragraph 2, amended 12 January 2015.
- Optional Protocol to the Convention on the Rights of the Child (CRC-OP-IC) 24 September 2014.
- C189 – Domestic Workers Convention, 2011 (No. 189). The Convention entered into force for Ireland on 28 Aug 2015.
- Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms – Not yet in force in Ireland – Signature without Reservation as to Ratification (CETS 213) 24 June 2013.
- Ireland ratified the Aarhus Convention on 20 June 2012.

Signature of human rights instruments

- Council of Europe Convention against Trafficking in Human Organs (CETS 216) – Signature 8 October 2015.

- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) – Signature 5 November 2015.

V. Conclusion

170. Ireland is proud of its reputation and track record in protecting human rights and advancing equality, and in particular, of the progress that has been made since our Cycle I review. We recognise that challenges remain and are committed to maintaining the momentum and continuing to strive to improve the human rights situation for all residents. We look forward to Ireland's interactive dialogue in May and to hearing the views and recommendations of other member States.

Notes

¹ Ireland's *National Interim Report* is available at www.upr.ie.

² Irish Human Rights and Equality Commission.

³ *Report of Consultations with Children and Young People about Human Rights* is available on www.upr.ie.

⁴ www.ihrec.ie

⁵ www.workplacerelations.ie

⁶ www.irishstatutebook.ie/eli/2015/act/16/enacted/en/pdf

⁷ <http://www.irishstatutebook.ie/eli/2015/act/43/enacted/en/pdf>

⁸ Section 37(1) of Employment Equality Act 1998 (as amended by section 25 of the Equality Act 2004) provides that where a religious, educational or medical institution which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values shall not be taken to discriminate against a person if–

- it gives more favourable treatment, on the religion ground, to an employee or prospective employee where it is reasonable to do so in order to maintain the religious ethos of the institution, or
- it takes action which is reasonably necessary to prevent an employee or prospective employee from undermining the religious ethos of the institution.

The provision was previously contained in the Employment Equality Bill 1996 which was referred by the President to the Supreme Court under Article 26 of the Constitution. While the Court found Bill to be unconstitutional on other grounds, the constitutionality of what later became section 37 was upheld as a reasonable balance between the competing constitutional rights involved. The *ratio* of this and other decisions is that it was not simply a matter of repealing section 37(1) in its entirety in the new legislation but rather finding a new balance that better met the rights of employees.

⁹ The amended section 37 now obliges relevant employers in religious-run schools and hospitals to show that any favourable treatment of an employee or prospective employee is limited to the religion ground and action taken against a person is objectively justified by reference to that institution's aim of protecting its religious ethos and that the means of achieving that aim are appropriate and necessary. The new provision provides that action taken against an employee or prospective employee on the religion ground shall not be regarded as justified unless it is:

- rationally and strictly related to the institution's religious ethos;
- a response to conduct of a person which undermines or would undermine the religious ethos of the institution, rather than being a response to that person's status under any of the other discrimination grounds (e.g. sexual orientation) set out in equality legislation; and
- proportionate to the conduct of the employee or prospective employee, having regard to alternative action the employer could take, the consequences of any action taken for the employee or prospective employee and the actual damage caused to the religious ethos of the institution.

¹⁰ *Ireland's Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021* is available on the website of the Department of Justice and Equality.

¹¹ *Second National Strategy Action Plan*

- ¹² Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
- ¹³ <http://www.irishstatutebook.ie/eli/2013/act/24/section/1/enacted/en/html>
- ¹⁴ <http://www.oireachtas.ie/viewdoc.asp?DocID=24271>
- ¹⁵ The *Guidance Document* is available on the Department of Health website.
- ¹⁶ 168 from UK, 4 from Australia, 2 from Cyprus, 1 from Switzerland and 11 from USA.
- ¹⁷ Signed by the President on 30 December 2015.
- ¹⁸ <http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>
- ¹⁹ Freedom of Information Act 2014. <http://www.oireachtas.ie/documents/bills28/acts/2014/a3014.pdf>
- ²⁰ <http://www.irishstatutebook.ie/eli/2011/act/24/enacted/en/html>
- ²¹ <http://www.irishstatutebook.ie/eli/2014/act/7/enacted/en/html>
- ²² <http://www.irishstatutebook.ie/eli/2015/act/28/enacted/en/html>
- ²³ <http://www.justice.ie/en/JELR/Pages/Open-Policy-Debate-Monday-23rd-November>
- ²⁴ <http://www.irishstatutebook.ie/eli/2014/act/11/enacted/en/html>
- ²⁵ The *Working Group Report on Citizen Engagement with Local Government* is available on the website of the Department of the Environment, Community and Local Government.
- ²⁶ The *National Strategy on Children and Young People's Participation in Decision-Making 2015-2020* is available on the website of the Department of Children and Youth Affairs.
- ²⁷ <http://www.irishstatutebook.ie/eli/2015/act/25/enacted/en/html>
- ²⁸ <http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html>
- ²⁹ <http://www.irishstatutebook.ie/eli/2015/act/35/enacted/en/html>
- ³⁰ <http://www.irishstatutebook.ie/eli/2014/act/34/enacted/en/html>
- ³¹ <http://www.irishstatutebook.ie/eli/2012/act/44/enacted/en/html>
- ³² <http://www.oireachtas.ie/viewdoc.asp?DocID=30673&CatID=87>
- ³³ The Report of the Expert Group is available on the website of the Department of Health.
- ³⁴ *A Vision for Change* is available on the website of the Department of Health.
- ³⁵ *Connecting for Life* is available on the website of the Department of Health.
- ³⁶ *Social Housing Strategy 2020* is available at <http://www.environ.ie/en/PublicationsDocuments/FileDownload,39622,en.pdf>
- ³⁷ *Stabilising Rents, Boosting Supply* is available on the website of the Department of the Environment, Community and Local Government.
- ³⁸ *Homelessness Policy Statement* is available on the website of the Department of the Environment, Community and Local Government.
- ³⁹ *Implementation Plan on the State's Response to Homelessness* is available on the website of the Department of the Environment, Community and Local Government.
- ⁴⁰ The *Action Plan to address Homelessness* is available on the website of the Department of the Environment, Community and Local Government.
- ⁴¹ <http://www.irishstatutebook.ie/eli/2013/act/40/enacted/en/html>
- ⁴² <http://www.oireachtas.ie/viewdoc.asp?DocID=30377&CatID=87>
- ⁴³ Irish Constitution, the Child Care Act 1991, the Child and Family Agency Act 2013 and the Regulations for Foster Care (General), Foster Care (Relative) and the Regulations for Residential Care.
- ⁴⁴ <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf>
- ⁴⁵ <http://www.oireachtas.ie/documents/bills28/acts/2015/a3015.pdf>
- ⁴⁶ <http://www.oireachtas.ie/documents/bills28/acts/2015/a5715.pdf>
- ⁴⁷ *Tackling Youth Crime: Youth Justice Action Plan (2014-2018)* is available on the website of the Department of Children and Youth Affairs.
- ⁴⁸ The *National Plan for Equity of Access to Higher Education 2015-2019* is available on the website of the Higher Education Authority.
- ⁴⁹ The Roadmap to Ratification is available on the website of the Department of Justice and Equality.
- ⁵⁰ The *Comprehensive Employment Strategy for People with Disabilities 2015-2024* is available on the website of the Department of Justice and Equality.
- ⁵¹ The six strategic priorities are: build skills, capacity and independence; provide bridges and supports into work; make work pay; promote job retention and re-entry to work; provide co-ordinated and seamless support; and engage employers.

⁵³ *Towards Gender Parity in Decision-Making in Ireland*, is available on the website of the Department of Justice and Equality.

⁵⁴ <http://www.oireachtas.ie/documents/bills28/acts/2015/ab615.pdf>

⁵⁵ *The Report of the Working Group on the Protection Process, including Direct Provision and Supports to Asylum Seekers* is available on the website of the Department of Justice and Equality www.charitiesregulatoryauthority.ie

⁵⁶ *One World, One Future* is available on Irish Aid's website.

⁵⁷ *The Global Island: Ireland's Foreign Policy for a Changing World* is available on the website of the Department of Foreign Affairs and Trade.



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resolution 16/21**

Ireland

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (2000)		OP-CAT (signature, 2007)
	ICESCR (1989)		OP-CRC-SC (signature, 2000)
	ICCPR (1989)		ICRMW
	ICCPR-OP 2 (1993)		CRPD (signature, 2007)
	CEDAW (1985)		ICPPED (signature, 2007)
	CAT (2002)		
	OP-CAT (signature, 2007)		
	CRC (1992)		
	OP-CRC-AC (2002)		
	OP-CRC-SC (signature, 2000)		
	CRPD (signature, 2007)		
	ICPPED (signature, 2007)		
<i>Reservations and/or declarations</i>	ICERD (reservation/interpretative declaration, art. 4, 2000)	ICCPR (withdrawal of reservation, art. 19 (2), 2011)	
	ICESCR (reservations, arts. 2 (2) and 13 (2) (a), 1989)	OP-CRC-AC (declaration, art. 3 (2): 18 years, 2015)	
	ICCPR (reservations, arts. 10, para. 2 and 20 (1), 1989; withdrawal of declaration, art. 6 (5), 1994; withdrawal of reservations, arts. 14 (6) and 23 (4), 1998/art. 14, 2009)		
	ICCPR-OP 1 (reservation, art. 5 (2), 1989)		
	CEDAW (reservations, arts. 16 (1) (d) and (f), 11 (1) and 13 (a), 1985; withdrawal of reservations, arts. 9 (1), 15 (4), art. 15 (3), 2000, art. 13 (b) and (c), 2004)		
	CRC (declaration, 1992)		
	OP-CRC-AC (binding declaration under art. 3: 17 years)		
<i>Complaints procedures,</i>	ICERD, art. 14 (2000)	OP-CRC-IC, art. 13 (2014)	OP-ICESCR (signature, 2012)

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>inquiries and urgent action¹</i>	ICCPR, art. 41 (1989)	OP-ICESCR	OP-CRC-IC, art. 12
	ICCPR-OP 1 (1989)	(signature, 2012)	ICRMW
	OP-CEDAW, art. 8 (2000)		OP-CRPD
	CAT, arts. 21 and 22 (2002)		ICPPED (signature, 2007)
	ICPPED (signature, 2007)		

2. Other main relevant international instruments⁴

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		
	Rome Statute of the International Criminal Court		
	Palermo Protocol ⁵		
	Conventions on refugees and stateless persons ⁶		
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II; ⁷ Additional Protocol III (signature only, 2006)		Additional Protocol III to the 1949 Geneva Conventions (signature 2006) ⁸
	ILO fundamental conventions ⁹	ILO Convention No. 189 ¹⁰	ILO Convention No. 169 ¹¹
			UNESCO Convention against Discrimination in Education

1. One or more treaty bodies welcomed the ratification by Ireland of OP-CRC-IC and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).¹² In 2015, the Committee on Economic, Social and Cultural Rights welcomed the signature by Ireland of OP-ICESCR.¹³ In 2012, the Special Rapporteur on extreme poverty and human rights welcomed the commitment of Ireland to pass the necessary legislation to enable the ratification of CRPD.¹⁴

2. Ireland was invited to become a party to OP-ICESCR, CRPD, OP-CRC-SC, ICRMW and ICPPED.¹⁵

3. With reference to a noted universal periodic review recommendation,¹⁶ the United Nations Educational, Scientific and Cultural Organization (UNESCO) strongly encouraged Ireland to ratify the Convention against Discrimination in Education.¹⁷

4. In 2014, the Human Rights Committee welcomed the withdrawal by Ireland of reservations to articles 14 and 19 (2) of ICCPR.¹⁸

5. Ireland was invited to review its reservations to articles 10 (2) and 20 (1) of ICCPR, with a view to their withdrawal; and to withdraw its reservation to article 13 (2) (a) of ICESCR.¹⁹

B. Constitutional and legislative framework

6. The Committee on Economic, Social and Cultural Rights welcomed the referendum that approved equal marriage in 2015.²⁰ It regretted that article 41 (2) of the Constitution on the role and status of women in Irish society remained unchanged. The Committee recommended that Ireland amend that article to render its provisions gender-equal.²¹

7. Concerned that blasphemy continued to be an offence under article 40.6.1 of the Constitution and section 36 of the Defamation Act 2009, the Human Rights Committee stated that Ireland should consider removing the prohibition of blasphemy from the Constitution as recommended by the Convention on the Constitution.²² UNESCO made related recommendations.²³

8. In 2016, the Committee on the Rights of the Child appreciated adoption of the Thirty-first Amendment of the Constitution (Children) Act to expressly recognize children as rights holders under the Constitution.²⁴ It recommended that Ireland consider implementing its plan to carry out a national referendum on lowering the voting age to 16 years in accordance with its previous commitment.²⁵ It urged Ireland to take all necessary measures to fully incorporate the Convention into domestic law.²⁶

9. While welcoming the commencement of the work by the Law Reform Commission concerning the domestic implementation of the international obligations of Ireland, the Human Rights Committee regretted that Ireland had not undertaken the tabulation of relevant provisions of its domestic legislation as pledged. The Committee recommended that Ireland take effective measures to ensure that the rights protected under ICCPR are given full effect in its domestic order.²⁷

10. In 2015, the Committee on Economic, Social and Cultural Rights reiterated its recommendation that Ireland take all appropriate measures to ensure the direct applicability of the Covenant's provisions.²⁸

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²⁹

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle³⁰</i>
Irish Human Rights Commission	A	Dissolved
Irish Human Rights and Equality Commission	N/A	A (2015)

11. While welcoming the adoption of the Irish Human Rights and Equality Commission Act in July 2014, the Human Rights Committee recommended that Ireland consider applying a unified definition of human rights in the Act.³¹ The Committee on Economic, Social and Cultural Rights recommended that Ireland review the Act with a view to ensuring that the Commission covers and applies all rights enshrined in ICESCR in exercising its functions.³²

12. The Committee on the Rights of the Child recommended that Ireland consider: ways and means to directly provide the Office of the Ombudsman with financial resources; and

amend the provisions of the Ombudsman for Children Act, 2002, which preclude the Ombudsman from investigating complaints from children in a refugee, asylum-seeking and/or irregular migration situation, and to bring actions taken by the Defence Forces vis-à-vis children under the age of 18.³³ Related recommendations were made by the Office of the United Nations High Commissioner for Refugees (UNHCR).³⁴

13. The Special Rapporteur on the situation of human rights defenders recommended that Ireland consider adopting a national plan of action on human rights, which should include a section on human rights defenders.³⁵ The Committee on the Rights of the Child welcomed the working outline of a national action plan on business and human rights 2016-2019 and recommended, inter alia, that Ireland require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts.³⁶

14. UNESCO encouraged Ireland to continue implementing human rights education towards women's rights, children's rights and religious freedom.³⁷

15. The Committee on the Rights of the Child recommended that Ireland increase the budget allocated to social sectors and address disparities through the application of indicators; and include children's rights impact assessments in the framework of integrated social impact assessments, to ensure that fiscal and budgetary decisions are compliant with the obligations under the Convention.³⁸

16. Concerned at the lack of meaningful consultation, particularly relating to persons with disabilities, people living in poverty, Travellers and Roma, the Committee on Economic, Social and Cultural Rights made recommendations, including for regular consultation on policymaking by establishing an effective consultation mechanism.³⁹

II. Cooperation with human rights mechanisms

17. Ireland submitted a voluntary mid-term review report.⁴⁰

A. Cooperation with treaty bodies

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	March 2011	-	-	Combined fifth to seventh reports overdue since 2014
Committee on Economic, Social and Cultural Rights	May 2002	2012	June 2015	Fourth report due in 2020
Human Rights Committee	July 2008	2012	July 2014	Fifth report due in 2019
Committee on the Elimination of	July 2005	-	-	Combined sixth to seventh reports due in 2016

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Discrimination against Women				
Committee against Torture	June 2011	2015	-	Second report pending consideration
Committee on the Rights of the Child	September 2006/ February 2008	2013	January 2016	Combined fifth to sixth reports due in 2021

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Committee on the Elimination of Racial Discrimination	2012	Budget cuts for human rights institutions; self-identification; racial discrimination legislation; domestication of ICERD ⁴¹	2012; ⁴² follow-up dialogue ongoing ⁴³
Human Rights Committee	2015	Institutional abuse of women and children; symphysiotomy; detention conditions ⁴⁴	2015; ⁴⁶ follow-up dialogue ongoing
	2009	Definition of terrorist acts; detention conditions; non-denominational primary education ⁴⁵	2012; ⁴⁷ further information requested ⁴⁸
Committee against Torture	2012	Financial resources for human rights institutions; follow-up to the report of the Commission to Inquire into Child Abuse; alleged torture and ill-treatment of girls and women in the Magdalene laundries; female genital mutilation ⁴⁹	2012 ⁵⁰ and 2013; ⁵¹ follow-up dialogue ongoing

B. Cooperation with special procedures⁵²

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Extreme poverty	Human rights defenders
<i>Visits agreed to in principle</i>	-	-
<i>Visits requested</i>	Human rights defenders	Water and sanitation
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, four communications were sent. The Government replied to three communications.	
<i>Follow-up reports and missions</i>	Extreme poverty ⁵³	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

18. Ireland contributed annually to the Office of the United Nations High Commissioner for Human Rights, including to the United Nations Fund for Victims of Torture.⁵¹

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

19. The Committee on Economic, Social and Cultural Rights expressed concern at pervasive gender inequality.⁵⁵ The Human Rights Committee expressed concern that, despite the adoption of the Electoral (Amendment) Political Funding Act, which encouraged political parties to establish a quota for female candidates, women continued to be underrepresented in both public and private sectors, particularly in decision-making positions.⁵⁶ The Committee on Economic, Social and Cultural Rights recommended that Ireland take effective measures to increase women's representation in decision-making positions in all areas, close the gender pay gap and eliminate strong gender role stereotypes;⁵⁷ ensure that all women workers benefit from the maternity benefits scheme; ensure paternity leave; and expand affordable public childcare services.⁵⁸

20. The Committee on Economic, Social and Cultural Rights recommended that Ireland adopt comprehensive anti-discrimination legislation that includes all the grounds for discrimination set out in article 2 (2) of the Covenant.⁵⁹

21. The Committee on the Rights of the Child recommended the establishment of a successor to the National Action Plan against Racism 2005-2008.⁶⁰

22. The Committee on the Rights of the Child noted with appreciation the adoption of the Gender Recognition Act 2015, providing that, from 16 years of age, the preferred gender of a person would be fully recognized by the State for all purposes. However, it remained concerned about cases of medically unnecessary surgeries and other procedures on intersex children before they were able to provide their informed consent;⁶¹ and at discrimination against lesbian, bisexual, gay, transgender and intersex children.⁶²

23. The Committee on the Rights of the Child recommended that Ireland undertake measures to: ensure that children born out of wedlock have legal certainty in respect of their family name, with a view to minimizing stigma or discrimination that could be faced by such children; assist children fathered by Catholic priests in upholding their right to know and be cared for by their fathers, as appropriate; and ensure that children born through assisted reproduction technologies, in particular with the involvement of surrogate mothers, have their best interests taken as a primary consideration and have access to information about their origins.⁶³

B. Right to life, liberty and security of the person

24. Regarding overcrowding in prisons, the Special Rapporteur on human rights defenders noted efforts to improve considerably the situation in certain detention centres and welcomed the Government's commitment to end "slopping out" by 2014.⁶⁴ The Human Rights Committee recommended that Ireland step up its efforts to improve the living

conditions and treatment of detainees and address overcrowding and the practice of "slopping out" as a matter of urgency in line with the Standard Minimum Rules for the Treatment of Prisoners. Ireland should establish a concrete timeline for the achievement of complete separation of remand and sentenced prisoners, juvenile and adult prisoners and detained immigrants and sentenced prisoners.⁶⁵

25. The Human Rights Committee recommended that Ireland implement the new Irish Prison complaints model for all categories of complaints without further delay and ensure its independent functioning.⁶⁶

26. The Human Rights Committee recommended, *inter alia*, that Ireland ensure that non-consensual use of psychiatric medication, electroshock, and other restrictive and coercive practices in mental health services, is generally prohibited; promote psychiatric care aimed at preserving the dignity of patients, both adults and minors; and amend the definition of voluntary patient under the Mental Health Act so that the term only refers to a person who consents to admission and treatment.⁶⁷ The Committee on Economic, Social and Cultural Rights recommended that Ireland immediately take measures to separate child patients from adults in psychiatric facilities.⁶⁸

27. Noting that the common law defence of reasonable and moderate chastisement remained part of domestic legislation, the Human Rights Committee recommended that Ireland put an end to corporal punishment in all settings and encourage non-violent forms of discipline.⁶⁹

28. The Human Rights Committee was concerned that domestic and sexual violence against women remained a serious problem.⁷⁰ The Committee on Economic, Social and Cultural Rights recommended that Ireland introduce a domestic violence bill, improve data collection on domestic violence and strengthen support services, including shelters and legal aid, for victims of domestic violence.⁷¹

29. Taking note of target 2 of Sustainable Development Goal 16 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee on the Rights of the Child recommended that Ireland ensure sufficient 24-hour refuge accommodation for persons affected by domestic violence and their children; and the allocation of adequate resources to the Child and Family Agency to respond to child protection referrals and address the needs of at risk children in a timely manner.⁷²

C. Administration of justice, including impunity, and the rule of law

30. The Special Rapporteur on human rights defenders recommended that Ireland expedite the establishment of the Judicial Council.⁷³ The Committee on Economic, Social and Cultural Rights recommended enhanced training for judges, lawyers and public officials on the Covenant.⁷⁴

31. Concerning police complaint procedures, the Human Rights Committee recommended that Ireland proceed with the timely adoption of the General Scheme of the Garda Síochána (Amendment) Bill 2014 to strengthen the independence and effectiveness of the Garda Síochána Ombudsman Commission and ensure that the proposed establishment of the Garda Síochána Authority does not encroach upon or undermine the work of the Commission, but rather complements and supports it.⁷⁵

32. The Human Rights Committee recommended that Ireland fully implement the Fines Act 2014 to provide for a community service order as an alternative to imprisonment for failure to pay court-ordered fines or civil debt, and ensure that in no case is imprisonment used as a method of enforcing contractual obligations.⁷⁶

33. Concerned at the lack of free legal aid services, particularly in the areas of employment, housing and forced evictions and social welfare benefits, the Committee on Economic, Social and Cultural Rights recommended, *inter alia*, that Ireland expand the remit of the Civil Legal Aid Scheme.⁷⁷

34. The Human Rights Committee recommended that Ireland guarantee, in law and in practice, the right to counsel prior to interrogation, and take concrete steps to facilitate the presence of lawyers during interrogation.⁷⁸

35. On symphysiotomy, performed on approximately 1,500 girls and women without their free and informed consent, the Human Rights Committee recommended that Ireland: initiate a prompt, independent and thorough investigation into cases of symphysiotomy, prosecute and punish the perpetrators, including medical personnel; provide survivors with an effective remedy on an individualized basis; and facilitate access to judicial remedies, allowing survivors to challenge the sums offered to them under the *ex gratia* scheme.⁷⁹

36. While noting the State's apology to survivors, the Committee on Economic, Social and Cultural Rights regretted the massive and systemic forced labour that occurred in the Magdalene laundries, and recommended that Ireland conduct prompt, thorough and independent investigations into those allegations, bring those responsible to justice and provide all victims with effective remedies.⁸⁰ The Human Rights Committee recommended that Ireland conduct prompt, independent and thorough investigations into allegations of abuse in children's institutions and mother and baby homes, prosecute and punish perpetrators and ensure that all victims obtain an effective remedy.⁸¹

37. The Committee on the Rights of the Child appreciated the adoption of the Children (Amendment) Act 2015, repealing all parts of the current statute book that permitted the detention of children in adult prison facilities. It urged Ireland to reinstate the provisions regarding the age of criminal responsibility at 14 years as established in the Children Act 2001; and, in cases where detention is unavoidable, ensure that the detention is for the shortest possible period, and that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health-care services.⁸²

D. Right to privacy, marriage and family life

38. The Committee on the Rights of the Child recommended that Ireland consider incorporating provisions on information disclosure, family tracing and post-adoption support measures, in accordance with international practice, into the Adoption Act, 2010.⁸³

39. The Committee on the Rights of the Child recommended the removal of all exceptions that allow marriage under the age of 18 years.⁸⁴

40. While welcoming the adoption of the Child and Family Agency Act, the Committee on the Rights of the Child recommended that Ireland: undertake measures to ensure children in alternative care who have disabilities or mental health needs have those needs addressed in an integrated and comprehensive manner; adequately support young people prior to their leaving care; and address the needs of children who have experienced homelessness.⁸⁵

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

41. The Human Rights Committee recommended that Ireland amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior public office positions.

It recommended that Ireland amend section 37 (1) of the Employment Equality Act to bar all forms of discrimination in employment in the fields of education and health.⁸⁶

42. The Special Rapporteur on human rights defenders considered that human rights defenders in Ireland worked in a conducive and enabling environment that, in general, met international standards. Nevertheless, the Special Rapporteur recommended that Ireland investigate all allegations and reports of intimidation, harassment and surveillance in the context of the Corrib Gas dispute in a prompt and impartial manner, conduct investigations regarding the actions of the police and adopt the measures necessary to instruct and equip the police in the area to discharge their functions adequately, particularly with regard to the policing of protests and crowd control.⁸⁷

43. The Special Rapporteur on human rights defenders recommended that Ireland enact adequate overarching legislation to protect whistle-blowers in all sectors of activity.⁸⁸

F. Right to work and to just and favourable conditions of work

44. While noting the publication of the National Minimum Wage (Low Pay Commission) Bill 2015, the Committee on Economic, Social and Cultural Rights was concerned at: the insufficient level of the minimum wage to ensure a decent living; exemptions from the obligation to pay the statutory minimum wage; and the inadequate working conditions and access to labour protection and benefits of workers on zero-hour (or low-hour) contracts.⁸⁹

45. The same Committee recommended that Ireland expedite the adoption of the National Minimum Wage (Low Pay Commission) Bill 2015 and the Industrial Relations (Amendment) Bill 2015, review all relevant legislation to ensure just and favourable conditions of work for all workers, and take the steps necessary to ensure that the minimum wage applies to all employees and ensures a decent living for workers and their families.⁹⁰ It also recommended that Ireland enhance the collective bargaining rights of trade unions and do away with the requirement to obtain collective bargaining licences.⁹¹

46. Concerned at the disproportionately high rates of unemployment among Travellers, Roma, young people and persons with disabilities, the same Committee recommended targeted measures, including a quota system and professional training and employment support services, and improved data collection on unemployment.⁹²

G. Right to social security and to an adequate standard of living

47. Despite social transfers made to mitigate the impact of austerity measures, the Committee on Economic, Social and Cultural Rights was concerned that the response of Ireland to the economic and financial crisis had been disproportionately focused on instituting cuts to public expenditure in the areas of housing, social security, health care and education, without altering its tax regime.⁹³ It recommended that austerity policies be temporary, covering only the period of the crisis, and necessary and proportionate. They must not result in discrimination and increased inequalities.⁹⁴ It also recommended that Ireland ensure that austerity measures are gradually phased out; consider reviewing its tax regime in a transparent and participatory manner; and consider instituting human rights impact assessments in its policymaking process.⁹⁵

48. The Special Rapporteur on extreme poverty noted with concern that children continued to be among the hardest hit by the economic downturn, with 19.5 per cent of children at risk of poverty, and 30.2 per cent experiencing material deprivation. The Special Rapporteur regretted that her recommendations with respect to ring-fencing the Child

Benefit and other allowances had not been reflected in recent developments.⁹⁶ The Committee on the Rights of the Child recommended that Ireland ensure that the revisions of its poverty reduction targets for 2020 takes into account increases in the number of children living in consistent poverty and put in place a detailed action plan to ensure that targets are met within a specified time frame.⁹⁷ Expressing concern at the increased number of people living in consistent poverty or at risk of poverty, the Committee on Economic, Social and Cultural Rights recommended the integration of a human rights-based approach in all poverty reduction programmes and strategies.⁹⁸

49. The Special Rapporteur on extreme poverty remained concerned about the application of the habitual residency condition to social protection benefits, particularly for people experiencing homelessness, Travellers, asylum seekers, migrant workers and returning Irish migrants.⁹⁹ The Committee on Economic, Social and Cultural Rights was also concerned at the discriminatory effect of the habitual residence condition on women who were victims of domestic violence. It recommended that Ireland ensure the consistent application of criteria by providing clear guidelines and training to the relevant officials.¹⁰⁰

50. Concerned at the large number of social welfare appeals, the same Committee also recommended that Ireland clarify the eligibility criteria regarding social welfare benefits as well as their application so as to avoid a large number of appeals.¹⁰¹

51. The same Committee was concerned at the increase in food insecurity and malnutrition, and at the high cost of healthy food, which put disadvantaged families at risk of obesity. It recommended that Ireland take concrete measures to address the critical food and nutritional needs of disadvantaged families and expedite the adoption of a national action plan on food security and nutrition in line with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.¹⁰²

52. The Special Rapporteur on extreme poverty noted that she had urged the Government to take immediate action to meet the critical need for social housing, and to adopt measures to solve the long-term housing needs in the country from a rights-based approach. Unfortunately, no action had been taken in that regard.¹⁰³ Deeply concerned at reports of families affected by homelessness facing significant delays in accessing social housing and frequently living in inappropriate, temporary or emergency accommodation on a long-term basis, the Committee on the Rights of the Child urged Ireland to undertake measures to increase the availability of social housing and emergency housing support.¹⁰⁴ The Committee on Economic, Social and Cultural Rights expressed concern at the increased costs of rental housing and reduced family incomes. It recommended that Ireland consider introducing legislation on private rent and increasing rent supplement levels and banking regulations in order to strengthen protection for mortgage borrowers in arrears.¹⁰⁵

H. Right to health

53. The Committee on Economic, Social and Cultural Rights was concerned at the overall deterioration in health-care services due to significant budget cuts and the negative impact on access. It recommended that Ireland: improve its public health-care services, by increasing public spending and introducing a common waiting list for treatment in publicly funded hospitals for privately and publicly insured patients; expedite the introduction of a universal health services system and community-based health services; and strengthen the Health Information and Quality Authority.¹⁰⁶ The Committee on the Rights of the Child urged Ireland to address root causes of exclusion from access to health-care services and undertake programmes for the issuance of medical cards in Traveller and Roma communities.¹⁰⁷

54. While welcoming the recent strengthening of the Inpatient Child and Adolescent Mental Health Service, the Committee on the Rights of the Child recommended that Ireland undertake measures to strengthen the capacity of its mental health services for inpatient treatment, out-of-hours facilities, and facilities for treating eating disorders; and consider establishing a mental health advocacy and information service specifically for children. Additionally, while noting the recent adoption of a suicide prevention strategy by Ireland, the Committee remained concerned at the high number of suicides among adolescents.¹⁰⁸ The Committee on Economic, Social and Cultural Rights recommended that Ireland revise the Mental Health Act 2001 in the light of the recommendations of the expert group tasked with reviewing it and expedite the implementation of the national mental health policy "A vision for change" through the allocation of sufficient resources.¹⁰⁹

55. The Committee on Economic, Social and Cultural Rights and the Human Rights Committee expressed their concern at the highly restrictive legislation on abortion and its strict interpretation thereof.¹¹⁰ The Committee on the Rights of the Child expressed concern about the Protection of Life During Pregnancy Act 2013, which allowed for abortion only when there was a "real and substantial risk" to the life of the mother and criminalized abortion even in instances where the pregnancy resulted from rape or incest, or in cases of severe fetal impairment. It was further concerned that the term "real and substantial risk" prevented doctors from being able to provide services in accordance with objective medical practice.¹¹¹ The Human Rights Committee was concerned about the excessive degree of scrutiny by medical professionals for pregnant and suicidal women leading to further mental distress; the discriminatory impact of the Protection of Life During Pregnancy Act on women who were unable to travel abroad to seek abortions; the imposition of criminal sanctions on health-care providers who referred women to abortion services outside of Ireland under the Regulation of Information (Services Outside the State For Termination of Pregnancies) Act 1995; and the severe mental suffering caused by the denial of abortion services.¹¹²

56. The Committee on Economic, Social and Cultural Rights called for a referendum on abortion and recommended that Ireland revise its legislation on abortion, including the Constitution and Protection of Life During Pregnancy Act, in line with international human rights standards.¹¹³ The Committee on the Rights of the Child recommended that Ireland decriminalize abortion in all circumstances and review its legislation with a view to ensuring access by children to safe abortion and post-abortion care services.¹¹⁴ The Committee on Economic, Social and Cultural Rights recommended that Ireland adopt guidelines to clarify what constitutes a real substantive risk to the life of a pregnant woman and publicize information on crisis pregnancy options through effective channels of communication.¹¹⁵

57. Concerned at the severe lack of access to sexual and reproductive health education and emergency contraception for adolescents, the Committee on the Rights of the Child recommended that Ireland adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescents.¹¹⁶

I. Right to education

58. While welcoming the establishment of the Forum on Pluralism and Patronage in the Private Sector, the Committee on the Rights of the Child was concerned at schools continuing to practise discriminatory admissions policies on the basis of the child's religion.¹¹⁷ The Human Rights Committee was concerned about the slow progress in increasing access to secular education through the establishment of non-denominational schools, divestment of the patronage of schools and the phasing out of integrated religious

curricula in schools accommodating minority faith or non-faith children.¹¹⁸ The Committee on Economic, Social and Cultural Rights was concerned at the discriminatory criteria against children with special educational needs contained in many admissions policies and the lack of a regulatory framework.¹¹⁹

59. The Committee on Economic, Social and Cultural Rights recommended that Ireland bring all relevant laws, including the Equal Status Act 2000 and the Education (Admission to Schools) Bill 2015, into line with international human rights standards and increase the number of non-denominational schools at the primary and post-primary education levels. It also recommended that Ireland step up its efforts to promote inclusive education for all, including the implementation of the Education for Persons with Special Educational Needs Act 2004 and to ensure equal opportunities for all children to quality education.¹²⁰

60. The Committee on the Rights of the Child recommended that Ireland establish an effective complaints mechanism for children in schools; consider reforming the Leaving Certificate Examination to reduce stress caused to children; and develop curriculum of physical leisure activities for all.¹²¹

J. Persons with disabilities

61. The Human Rights Committee recommended that Ireland bring the Assisted Decision-Making (Capacity) Bill 2013 into line with international standards on the rights of persons with disabilities.¹²²

62. Concerned at the persistent institutionalization of persons with disabilities and the poor living conditions of residential centres for persons with disabilities, the Committee on Economic, Social and Cultural Rights recommended that Ireland: make available alternatives to institutionalization, including community-based care programmes; improve living conditions in residential centres, including through regular inspections; and enhance access for persons with disabilities, including by cancelling the cuts in social benefit programmes.¹²³

K. Minorities and indigenous peoples

63. The Special Rapporteur on extreme poverty acknowledged that Ireland indicated during the universal periodic review that it was giving serious consideration towards officially recognizing Travellers as an ethnic group, and called on the Government to do so as a matter of priority.¹²⁴ Three treaty bodies made related recommendations.¹²⁵

64. Expressing concern at the criminalization of nomadism, pursuant to the Housing (Miscellaneous) Provisions Act, 2002, the Committee on the Rights of the Child recommended that Ireland respect the cultural practice of nomadism and ensure it is not criminalized.¹²⁶ The Human Rights Committee recommended that Ireland amend the Housing (Miscellaneous Provisions) Act, 2002 to meet the specific accommodation requirements of Traveller families.¹²⁷ The Committee on Economic, Social and Cultural Rights reiterated its previous recommendations that Ireland take steps to provide culturally appropriate accommodation in consultation with Travellers and Roma.¹²⁸

65. The Special Rapporteur on extreme poverty observed that, because of the structural discrimination they experienced, Travellers were particularly vulnerable to poverty, suffering from lower life expectancy and education outcomes.¹²⁹ Regarding Travellers and Roma, the Committee on the Rights of the Child was concerned about alleged impunity for publicly expressed discriminatory remarks by public representatives.¹³⁰ The Human Rights Committee expressed concern at the lack of data concerning the Roma community in

Ireland, and at instances of the forced removal of Roma children from their families into State care on the basis of their appearance. The Human Rights Committee recommended that Ireland adopt an effective policy and action plan, developed in consultation with Traveller and Roma communities, to redress situations of inequality.¹³¹

L. Migrants, refugees and asylum seekers

66. The Special Rapporteur on extreme poverty recalled she had recommended that Ireland review the Direct Provision system, ensuring that asylum seekers were afforded the full enjoyment of their rights to, *inter alia*, family life, social security, and access to the labour market, noting that this recommendation had not been followed.¹³² The Committee on the Rights of the Child was concerned that asylum-seeking children were reportedly accommodated in privately run centres that were not covered by national standards relating to children. It urged Ireland to ensure independent inspections of all refugee accommodation centres and recommended that Ireland ensure facilities, including recreation areas, for children and families; and proportionately increase the child allowance to correlate with the cost of living.¹³³ UNHCR and two other treaty bodies made related recommendations.¹³⁴

67. With reference to accepted recommendations,¹³⁵ UNHCR welcomed the adoption of the International Protection Bill to introduce a long-awaited single protection determination procedure and for its focus on the best interests of the child principle.¹³⁶ The Committee on Economic, Social and Cultural Rights recommended that Ireland expedite the adoption of the International Protection Bill and determine without undue delay all forms of protection status for asylum seekers.¹³⁷ UNHCR encouraged the early implementation by Ireland of related recommendations made by the Working Group on the Protection Process on protection, accommodation and support systems for asylum seekers.¹³⁸

68. The Human Rights Committee expressed concern that victims of trafficking were kept in Direct Provision centres.¹³⁹ UNHCR recommended that Ireland amend the existing Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking and supported recommendations for integrating the prevention of human trafficking in Irish policies for asylum seekers.¹⁴⁰

69. While welcoming the ongoing commitment of Ireland to address issues pertaining to stateless persons, UNHCR recommended establishment of a statelessness determination procedure.¹⁴¹

M. Right to development and environmental issues

70. The Special Rapporteur on human rights defenders was pleased at the important initiatives taken to protect human rights defenders in foreign policy and development aid.¹⁴²

N. Human rights and counter-terrorism

71. The Human Rights Committee recommended that Ireland introduce a definition of "terrorist acts" and consider abolishing the Special Criminal Court.¹⁴³

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Ireland from the previous cycle (A/HRC/WG.6/12/IRL/2 and Corr.1).

² The following abbreviations are used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

⁴ Information relating to other relevant international human rights instruments may be found in the pledges and commitments undertaken by Ireland before the Human Rights Council, as contained in the note verbale dated 16 April 2012 sent by the Permanent Mission of Ireland to the United Nations addressed to the President of the General Assembly (see document A/67/80).

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

- ⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.
- ⁹ International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ¹⁰ ILO Domestic Workers Convention, 2011 (No. 189).
- ¹¹ ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- ¹² See CRC/C/IRL/CO/3-4, para. 3; and E/C.12/IRL/CO/3, para. 4.
- ¹³ See E/C.12/IRL/CO/3, para. 3.
- ¹⁴ See A/HRC/20/25, para. 94.
- ¹⁵ See E/C.12/IRL/CO/3, para. 37, and CRC/C/IRL/CO/3-4, para. 77.
- ¹⁶ For the full text, see A/HRC/19/9, para. 107.6 (Hungary; Islamic Republic of Iran).
- ¹⁷ See UNESCO submission for the universal periodic review of Ireland, para. 66 (1).
- ¹⁸ See CCPR/C/IRL/CO/4, para. 3 (a).
- ¹⁹ Ibid., para. 5, and E/C.12/IRL/CO/3, para. 37.
- ²⁰ See E/C.12/IRL/CO/3, para. 5 (a).
- ²¹ Ibid., para. 15. See also para. 30.
- ²² See CCPR/C/IRL/CO/4, para. 22. See also UNESCO submission for the universal periodic review of Ireland, para. 69.
- ²³ See UNESCO submission for the universal periodic review of Ireland, para. 69.
- ²⁴ See CRC/C/IRL/CO/3-4, para. 4 (a).
- ²⁵ Ibid., para. 32 (d).
- ²⁶ Ibid., para. 9.
- ²⁷ See CCPR/C/IRL/CO/4, para. 5. See also CERD/C/IRL/CO/3-4/Add.1, paras. 19-21.
- ²⁸ See E/C.12/IRL/CO/3, para. 7. See also CERD/C/IRL/CO/3-4/Add.1, paras. 19-21.
- ²⁹ According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- ³⁰ The list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights is available from <http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf>.
- ³¹ See CCPR/C/IRL/CO/4, para. 6.
- ³² See E/C.12/IRL/CO/3, para. 9.
- ³³ See CRC/C/IRL/CO/3-4, paras. 20 and 74 (b).
- ³⁴ UNHCR submission for the universal periodic review of Ireland, pp. 3-4 and 6, recommendation (c).
- ³⁵ See A/HRC/22/47/Add.3, para. 111 (f).
- ³⁶ See CRC/C/IRL/CO/3-4, paras. 23-24.
- ³⁷ See UNESCO submission for the universal periodic review of Ireland, para. 66 (4).
- ³⁸ See CRC/C/IRL/CO/3-4, para. 16. See also A/HRC/20/25, para. 99.
- ³⁹ See E/C.12/IRL/CO/3, para. 10. See also A/HRC/20/25, para. 99.
- ⁴⁰ The report is available at www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
- ⁴¹ See CERD/C/IRL/CO/3-4, para. 34.
- ⁴² See CERD/C/IRL/CO/3-4/Add.1.
- ⁴³ Letter dated 31 August 2012 from the Committee on the Elimination of Racial Discrimination to the Permanent Mission of Ireland to the United Nations Office and Specialized Institutions at Geneva, pp. 1 and 2, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/TNT_CERD_FUL_IRL_14214_E.pdf.
- ⁴⁴ See CCPR/C/IRL/CO/4, para. 25.

- ⁴⁵ See CCPR/C/IRL/CO/3, para. 25.
- ⁴⁶ Letter dated 17 July 2015 from the Permanent Mission of Ireland to the United Nations and other International Organizations at Geneva, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_AFR_IRL_21460_E.pdf.
- ⁴⁷ See CCPR/C/104/2, pp. 8-9.
- ⁴⁸ Letter dated 24 April 2012 from the Special Rapporteur for follow-up on concluding observations of the Human Rights Committee to the Permanent Mission of Ireland to the United Nations Office at Geneva, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_11896_E.pdf. See also CCPR/C/104/2, pp. 8-9. Further information was requested in the next periodic report.
- ⁴⁹ See CAT/C/IRL/CO/1, para. 33.
- ⁵⁰ See CAT/C/IRL/CO/1/Add.1.
- ⁵¹ See CAT/C/IRL/CO/1/Add.2 and appendices A, B and C thereto.
- ⁵² For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
- ⁵³ See A/HRC/20/25.
- ⁵⁴ See www.ohchr.org/Documents/About/Us/FundingBudget/VoluntaryContributions2015.pdf, www.ohchr.org/Documents/About/Us/FundingBudget/VoluntaryContributions2014.pdf and www2.ohchr.org/english/OHCHRRReport2014/WEB_version/allegati/8_Donor_profiles_2014.pdf.
- ⁵⁵ See E/C.12/IRL/CO/3, para. 15.
- ⁵⁶ See CCPR/C/IRL/CO/4, para. 7.
- ⁵⁷ See E/C.12/IRL/CO/3, para. 15. See also UNESCO submission for the review of Ireland, paras. 65-66.
- ⁵⁸ See E/C.12/IRL/CO/3, para. 23.
- ⁵⁹ Ibid., para. 12.
- ⁶⁰ See CRC/C/IRL/CO/3-4, para. 28. See also CERD/C/IRL/CO/3-4/Add.1, paras. 10-18, and letter dated 31 August 2012 from the Committee on the Elimination of Racial Discrimination to the Permanent Mission of Ireland to the United Nations Office and Specialized Institutions at Geneva, pp. 1-2.
- ⁶¹ See CRC/C/IRL/CO/3-4, paras. 4 (e) and 39.
- ⁶² Ibid., para. 27.
- ⁶³ Ibid., para. 34.
- ⁶⁴ See A/HRC/22/47/Add.3, para. 100.
- ⁶⁵ See CCPR/C/IRL/CO/4, para. 15, and letter dated 17 July 2015 from the Permanent Mission of Ireland to the United Nations and other International Organizations at Geneva, pp. 11-13.
- ⁶⁶ See CCPR/C/IRL/CO/4, para. 15, and letter dated 17 July 2015 from the Permanent Mission of Ireland to the United Nations and other International Organizations at Geneva, p. 13.
- ⁶⁷ See CCPR/C/IRL/CO/4, para. 12.
- ⁶⁸ See E/C.12/IRL/CO/3, para. 29.
- ⁶⁹ See CCPR/C/IRL/CO/4, para. 14. See also UNESCO submission for the review of Ireland, paras. 65-66.
- ⁷⁰ See CCPR/C/IRL/CO/4, para. 8.
- ⁷¹ See E/C.12/IRL/CO/3, para. 22.
- ⁷² See CRC/C/IRL/CO/3-4, para. 38. See also CERD/C/IRL/CO/3-4/Add.1, para. 9.
- ⁷³ See A/HRC/22/47/Add.3, para. 111 (c).
- ⁷⁴ See E/C.12/IRL/CO/3, para. 7.
- ⁷⁵ See CCPR/C/IRL/CO/4, para. 13. See also A/HRC/22/47/Add.3, para. 111 (h).
- ⁷⁶ See CCPR/C/IRL/CO/4, para. 16.
- ⁷⁷ See E/C.12/IRL/CO/3, para. 8.
- ⁷⁸ See CCPR/C/IRL/CO/4, para. 17.
- ⁷⁹ Ibid., para. 11, and letter dated 17 July 2015 from the Permanent Mission of Ireland to the United Nations and other International Organizations at Geneva, pp. 7-10.

- ⁸⁰ See E/C.12/IRL/CO/3, para. 18. See also CCPR/C/IRL/CO/4, para. 10, and letter dated 17 July 2015 from the Permanent Mission of Ireland to the United Nations and other International Organizations at Geneva, p. 3; CAT/C/IRL/CO/1/Add.2 and appendices A, B and C thereto.
- ⁸¹ See CCPR/C/IRL/CO/4, para. 10, and letter dated 17 July 2015 from the Permanent Mission of Ireland to the United Nations and other International Organizations at Geneva, pp. 5-6.
- ⁸² See CRC/C/IRL/CO/3-4, paras. 4 (d) and 72. See also UNESCO submission for the universal periodic review of Ireland, para. 65.
- ⁸³ See CRC/C/IRL/CO/3-4, para. 46.
- ⁸⁴ Ibid., para. 26.
- ⁸⁵ Ibid., paras. 43-44.
- ⁸⁶ See CCPR/C/IRL/CO/4, para. 21.
- ⁸⁷ See A/HRC/22/47/Add.3, paras. 107 and 111 (j).
- ⁸⁸ Ibid., para. 111 (q).
- ⁸⁹ See E/C.12/IRL/CO/3, para. 17.
- ⁹⁰ Ibid., para. 17.
- ⁹¹ Ibid., para. 19.
- ⁹² Ibid., para. 16.
- ⁹³ Ibid., para. 11.
- ⁹⁴ Ibid., para. 11.
- ⁹⁵ Ibid., para. 11.
- ⁹⁶ See A/HRC/20/25, para. 103.
- ⁹⁷ See CRC/C/IRL/CO/3-4, para. 40.
- ⁹⁸ See E/C.12/IRL/CO/3, para. 24.
- ⁹⁹ See A/HRC/20/25, para. 102.
- ¹⁰⁰ See E/C.12/IRL/CO/3, para. 21.
- ¹⁰¹ Ibid., para. 20.
- ¹⁰² Ibid., para. 25.
- ¹⁰³ See A/HRC/20/25, para. 107.
- ¹⁰⁴ See CRC/C/IRL/CO/3-4, paras. 61-62.
- ¹⁰⁵ See E/C.12/IRL/CO/3, paras. 26-27.
- ¹⁰⁶ Ibid., para. 28.
- ¹⁰⁷ See CRC/C/IRL/CO/3-4, para. 50.
- ¹⁰⁸ Ibid., paras. 53-55.
- ¹⁰⁹ See E/C.12/IRL/CO/3, para. 29.
- ¹¹⁰ Ibid., para. 30, and CCPR/C/IRL/CO/4, para. 9.
- ¹¹¹ See CRC/C/IRL/CO/3-4, para. 57.
- ¹¹² See CCPR/C/IRL/CO/4, para. 9.
- ¹¹³ See E/C.12/IRL/CO/3, para. 30.
- ¹¹⁴ See CRC/C/IRL/CO/3-4, para. 58.
- ¹¹⁵ See E/C.12/IRL/CO/3, para. 30.
- ¹¹⁶ See CRC/C/IRL/CO/3-4, paras. 57-58. See also E/C.12/IRL/CO/3, para. 30, and CCPR/C/IRL/CO/4, para. 9.
- ¹¹⁷ See CRC/C/IRL/CO/3-4, para. 63.
- ¹¹⁸ See CCPR/C/IRL/CO/4, para. 21.
- ¹¹⁹ See E/C.12/IRL/CO/3, para. 31.
- ¹²⁰ Ibid., paras. 31-32. See also UNESCO submission for the universal periodic review of Ireland, paras. 65-66.
- ¹²¹ See CRC/C/IRL/CO/3-4, para. 64.
- ¹²² See CCPR/C/IRL/CO/4, para. 12.
- ¹²³ See E/C.12/IRL/CO/3, para. 13.
- ¹²⁴ See A/HRC/20/25, para. 106.
- ¹²⁵ See CCPR/C/IRL/CO/4, para. 23, E/C.12/IRL/CO/3, para. 33, and CRC/C/IRL/CO/3-4, para. 70. See also CERD/C/IRL/CO/3-4/Add.1, paras. 3-6.
- ¹²⁶ See CRC/C/IRL/CO/3-4, paras. 69-70.
- ¹²⁷ See CCPR/C/IRL/CO/4, para. 23.
- ¹²⁸ See E/C.12/IRL/CO/3, para. 27.

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- ¹²⁹ See A/HRC/20/25, para. 106.
¹³⁰ See CRC/C/IRL/CO/3-4, para. 27.
¹³¹ See CCPR/C/IRL/CO/4, para. 23.
¹³² See A/HRC/20/25, para. 108.
¹³³ See CRC/C/IRL/CO/3-4, paras. 65-66.
¹³⁴ UNHCR submission for the universal periodic review of Ireland, p. 4. See also, pp. 2-6, E/C.12/IRL/CO/3, para. 14, and CCPR/C/IRL/CO/4, para. 19.
¹³⁵ For the full texts, see A/HRC/19/9, 106.60 (United Kingdom of Great Britain and Northern Ireland), 106.61 (Mexico) and 106.17 (Uruguay).
¹³⁶ UNHCR submission for the universal periodic review of Ireland, pp. 2-3.
¹³⁷ See E/C.12/IRL/CO/3, para. 14.
¹³⁸ UNHCR submission for the universal periodic review of Ireland, p. 6.
¹³⁹ See CCPR/C/IRL/CO/4, para. 20. See also para. 8, and CERD/C/IRL/CO/3-4/Add.1, paras. 7-8.
¹⁴⁰ UNHCR submission for the universal periodic review of Ireland, p. 8.
¹⁴¹ *Ibid.*, pp. 9-10. See also pp. 8-10.
¹⁴² See A/HRC/22/47/Add.3, para. 109.
¹⁴³ See CCPR/C/IRL/CO/4, para. 18.
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2-13 May 2016**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21****Ireland***

The present report is a summary of 49 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



I. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles

1. Irish Human Rights and Equality Commission (IHREC) indicated that, since the previous UPR and acceptance of recommendations on ratifications,² Ireland had not ratified³ CRPD, OP-CRPD, OP-CAT, OP-ICESCR, OP-CRC-SC and ICPPED.⁴

2. IHREC welcomed the establishment of an Inter-Departmental Committee on Human Rights to "assist progress towards ratification of key international human rights treaties and reporting to United Nations and Council of Europe human rights monitoring bodies".⁵ IHREC noted the Law Reform Commission's examination of the application of international obligations in domestic law and awaited its recommendations.⁶

3. IHREC observed that two referenda were held on children's rights,⁷ and same-sex civil marriage.⁸ IHREC noted that the Convention on the Constitution recommended amending the Constitution to strengthen the protection of economic, social and cultural rights. IHREC recommended reforming the Constitutional provisions relating to women (Article 41.2), the equality guarantee (Article 40.1), through a referendum, and the offence of blasphemy (Article 40.6.1).⁹

4. IHREC noted that the 2014 Act established a new Paris Principle compliant Commission, which enjoyed increased institutional independence and accountability to Parliament.¹⁰ The 2014 Act introduced a positive human rights and equality duty on public bodies.¹¹ IHREC offered itself as an element of the national mechanisms under CRPD and OP-CAT, with matching allocations of resources.¹²

5. While welcoming the establishment of a Parliamentary Sub-Committee on Human Rights, IHREC noted its limited mandate and recommended that its remit consider the full range of human rights and equality issues across all government departments.¹³

6. IHREC regretted the lack of progress on developing a national human rights action plan and recommended that a human rights and equality plan be advanced.¹⁴

7. According to IHREC, it was unclear how the Office for Promotion of Migration Integration used collated statistics on racially motivated incidents to inform policy; and the provisions of the Prohibition on Incitement to Hatred Act 1989 were largely unused. It recommended putting in place a robust mechanism to monitor incidents of racism and renewal of the National Action Plan Against Racism; and a revision of the existing legal framework on racially motivated crime to ensure an effective law capable of deterring and prosecuting racially motivated offences.¹⁵

8. IHREC noted that overcrowding in prisons continued and progress to reduce "slopping out". IHREC welcomed the publication of the General Scheme of the Criminal Justice (Community Sanctions) Bill which proposed increasing the use of non-custodial community sanctions and urged that this law reform be prioritised to reduce overcrowding. IHREC welcomed improvements in the prisoner complaints system following recommendations by the Inspector of Prisons but reiterated its concern about the lack of an adequate and independent prison ombudsman for the independent investigation of complaints from prisoners. IHREC reiterated its concerns at the State's failure to put in place a timeframe for the achievement of the total separation of both remand and sentenced prisoners, juvenile and adult prisoners and detained immigrants and sentenced prisoners, respectively. It made recommendations.¹⁶

9. While welcoming progress made specifically to the General Scheme of the Reformed and Consolidated Domestic Violence Bill, IHREC recommended prioritizing legislative reforms to allow ratification of the Council of Europe Convention on Violence against Women and Domestic Violence; and providing adequate funding to refugees to comply with a Council of Europe recommendation.¹⁷
10. IHREC referred to the disproportionate impact of austerity and cuts in public spending as a result of the financial crisis on already disadvantaged groups: women, youth and migrants; and the negative impacts on migrants, asylum seekers, victims of domestic violence and Travellers and Roma from the on-going application of the Habitual Residence Condition. IHREC recommended that Ireland: review the adequacy of social welfare payments, particularly for persons with disabilities, older people and lone parents; review its guidelines implementing the 'right to reside' clause of the Habitual Residence Condition and provide adequate training to decision makers to prevent indirect discrimination in its application; ensure that affordable housing is available; and consider introducing rent limits and increasing rent supplement limits.¹⁸
11. IHREC endorsed recommendations made by various treaty monitoring bodies that Ireland take all necessary measures to revise its legal framework on abortion to ensure that it is in line with international human rights law.¹⁹
12. IHREC recommended giving priority to advancing the availability of community-based mental health services; amending the Mental Health Act 2001 to ensure adequate oversight of community-based services by the Mental Health Commission; and placing all individuals under the age of 18 years in age-appropriate facilities.²⁰
13. Noting slow progress in advancing the rights of persons with disabilities, IHREC recommended priority commencement of key elements of the existing legislative framework for persons with disabilities; publishing without delay, the Comprehensive Employment Strategy for People with a Disability; ensuring consideration of the cost of living with a disability when reviewing rates for disability-related social welfare payments.²¹
14. IHREC recommended giving priority to reducing the barriers preventing members of the Traveller community enjoying equal access to adequate housing, education and health; taking further steps to progressively realise the right to culturally appropriate housing for Traveller families in consultation with each individual family; and priority recognition of Travellers as an ethnic minority.²²
15. IHREC indicated that the system of Direct Provision on the rights of asylum seekers had been critiqued domestically, regionally and internationally due to: long delays in the determination of a protection claim, poor living conditions in direct provision centres, adverse impacts on health and well-being and the prohibition on asylum seekers working. IHREC observed that a Working Group Report to Government had recently issued important recommendations on Direct Provision that needed to be implemented; and recommended giving priority to legislative reform to introduce a single protection procedure; reconsidering the practice of accommodating potential victims of trafficking in Direct Provision centres; and strengthening the legislative framework relating to the identification of potential victims of trafficking.²³

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

16. Ombudsman for Children's Office (OCO) welcomed Ireland's ratification of OP-CRC-IC in September 2014.²⁴

17. Referring to a noted UPR recommendation,²⁵ Joint Submission 3—Your Rights Right Now (JS3-YRRN) reported that Ireland ratified ILO Convention No.189 in 2015. Observing that many domestic workers still faced severe exploitation,²⁶ JS3-YRRN recommended full implementation of that Convention.²⁷

18. Amnesty International (AI) regretted that Ireland had not commenced enactment of legislation necessary to ratify ICPED and CRPD.²⁸

19. Free Legal Advice Centres (FLAC) welcomed Ireland's signature of OP-ICESCR in 2012. The Government failed to initiate an inter-departmental consultation, typically the first step towards ratification.²⁹ AI recommended ratification of OP-ICESCR.³⁰

20. Migrant Rights Centre Ireland (MRCI) observed that Ireland had failed to ratify ICRMW and recommended establishing a working group for ratification.³¹

2. Constitutional and legislative framework

21. JS2 noted advancements with the 2015 referendum to extend civil marriage rights to same-sex couples.³²

22. OCO welcomed as significant the inclusion of the best interests principle and children's right to be heard at the constitutional level, though the CRC had not been fully incorporated into Irish law, and made recommendations.³³

23. Mercy Law Resource Centre (MLRC) reported that in the March 2014 Constitutional Convention, 85 percent supported strengthening the protection of economic, social and cultural rights with 84 percent specifically voting for the right to housing to be enshrined in the Constitution.³⁴ The ESC Rights Initiative recommended incorporation of ICESCR into domestic law.³⁵

24. JS3-YRRN recommended that Ireland immediately respond to outstanding recommendations from the Constitutional Convention,³⁶ and indicate which issues will be put to referendum and when.³⁷

3. Institutional and human rights infrastructure and policy measures

25. AI noted the exclusion of many economic, social and cultural rights from the enforcement functions and powers of the newly established national human rights institution.³⁸ JS3-YRRN noted that a national programme of human rights and equality education for civil and public servants had not been adopted.³⁹

26. JS3-YRRN noted that Ireland had still not⁴⁰ adopted a National Human Rights Action Plan.⁴¹ International Service for Human Rights (ISHR) recommended that human rights defenders be consulted and protected through such a plan.⁴² While welcoming the current commitment to develop a national action plan to implement the UN Guiding Principles on Business and Human Rights, Trócaire recommended that Ireland conclude an effective and comprehensive plan and implement it, including by: introducing mandatory human rights due diligence for State-owned companies and ensuring remedy, by referring to international good practice.⁴³

27. JS3-YRRN found two issues to be overarching: the lack of disaggregated data; and the impact of the economic crisis on human rights. JS3-YRRN recommended that human rights and equality impact assessments are incorporated into budgetary processes and that budgetary policy was based on disaggregated data. Ireland should integrate the framework of the Guiding Principles on Extreme Poverty and Human Rights in decision-making as part of a long term anti-poverty strategy.⁴⁴ FLAC recommended that Ireland identify a social protection floor and ensure the protection of this core content at all times.⁴⁵

28. JS3-YRRN recommended that the newly established Inter-Departmental Committee on Human Rights operate transparently and allow for meaningful engagement with civil society.⁴⁶

B. Cooperation with human rights mechanisms

29. AI welcomed the submission of a national interim report,⁴⁷ which JS3-YRRN consistently referred to.⁴⁸

1. Cooperation with treaty bodies

30. JS3-YRRN recommended that Ireland prioritize submission of its reports to CEDAW.⁴⁹

2. Cooperation with special procedures

31. JS6 indicated that the Special Rapporteur on Extreme Poverty and Human Rights visited Ireland and made recommendations to which the Government failed to respond by July 2014.⁵⁰

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

32. Various issues relating to the rights of women and to gender equality were raised including the historical abuse of women and children in medical⁵¹ or institutional⁵² care⁵³ during a time when bearing a child outside marriage carried significant social stigma.⁵⁴ JS3-YRRN stated that the gender pay gap margins had increased. No concrete actions had been taken to increase the number of women on corporate boards. JS3-YRRN recommended that Ireland ensure an independent review of the National Women's Strategy 2007-2016 and devise a consultative process on its successor.⁵⁵ National Travellers Women Forum (NTWF) suggested that such an independent review as proposed at the first cycle⁵⁶ include recommendations towards progress for Traveller women.⁵⁷

33. Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe reported that the police recorded 109 hate incidents occurring in 2013, of which 12 were sentenced. Out of the 109 incidents, two had anti-Semitic motivation, 17 had an LGBT motivation and the remaining 90 had racist and/or xenophobic bias.⁵⁸ European Union Agency for Fundamental Rights (EU-FRA) reported that evidence of discriminatory ethnic profiling was found in Ireland.⁵⁹ Organization for Defending Victims of Violence echoed calls of Muslim minorities for the Government to address the root causes of hate crimes.⁶⁰

34. Pavee Point Traveller and Roma Centre (PaveePoint) recommended that Ireland, as previously committed,⁶¹ renew/introduce a new National Action Plan against Racism with strong civil society involvement in its development and implementation.⁶²

35. JS3-YRRN recommended prioritizing measures to address the discriminatory impact of Section 37 (1) of the Employment Equality Act 1998; and to widening the grounds upon which discrimination is prohibited, including socio-economic status.⁶³

36. Edmund Rice International (ERI) recommended revision of the age at which young people are deemed adults in Ireland's mental health service;⁶⁴ and appointment of more social workers to build trust with young people at risk.⁶⁵

37. JS3-YRRN welcomed the enactment of legislation providing equal rights for same-sex couples to parenting of children and the enactment of the Gender Recognition Act 2015. JS3-YRRN recommended introduction of legislation: to regulate surrogacy, applying equally to same-sex and opposite-sex couples; and to ensure LGBTI persons are no longer discriminated against in pension provision.⁶⁶

38. Age Action reported that the National Ageing Strategy was published in 2013 and recommended an implementation plan for that Strategy.⁶⁷ JS3-YRRN recommended that Ireland: examine the impact of austerity measures to ensure support services are sufficiently resourced; introduce targeted measures to combat waiting times under the Nursing Home Support Strategy; and ensure that funding and allocation of home help hours matches demand.⁶⁸

2. Right to life, liberty and security of the person

39. Global Legal Action Network submitted that the unconditional accreditation, in December 2014, of the Royal College of Surgeons in Ireland – Medical University Bahrain ('RCSI-MUB') by the Irish Medical Council placed the Irish State in breach of international law, having regard to the occurrence of serious human rights violations, including torture, within the training hospitals used by RCSI-MUB.⁶⁹

40. OCO observed that the legality of corporal punishment of children in Ireland was in violation of Article 17 of the European Social Charter and called for the implementation of previous UPR⁷⁰ and treaty body recommendations, prohibiting corporal punishment.⁷¹ Global Initiative to End All Corporal Punishment of Children noted reports from May 2015 that the "reasonable chastisement" defence would be reviewed.⁷²

41. Irish Penal Reform Trust (IPRT) referred to prison conditions⁷³ as reportedly the principle human rights problem in Ireland.⁷⁴ While noting progress, IPRT recommended that Ireland expedite the work to bring the prison estate into line with international minimum standards, regarding overcrowding, cell sanitation, use of solitary confinement, lack of segregation between remand and convicted prisoners and the level of inter-prisoner violence.⁷⁵

42. IPRT reported that the Inspector of Prisons had noted abuse of authority invested in prison officers and instigated a cultural review of the Irish prison system.⁷⁶ AI stated that it was vital that a national preventive mechanism be put in place⁷⁷ as required under OP-CAT and in line with accepted UPR recommendations.⁷⁸ IPRT recommended that such a Mechanism include a fully independent complaints mechanism, an Office of Prison Ombudsman and a strengthened Office of the Inspector of Prisons.⁷⁹

43. St Patrick's Mental Health Services (SPMHS) reported on the documented prevalence of mental health problems in Ireland, including having the highest rate of female youth suicide in the European Union.⁸⁰ JS3-YRRN noted involuntary treatment and detention allowed under the Mental Health Act 2001 and non-consensual psychiatric medication and electroshock.⁸¹ SPMHS recommended that Ireland amend the Mental Health Act 2001, as recommended by the Government established expert group to review the Act, and ensure it is fully compliant with international human rights standards.⁸² While welcoming recommendations of the expert group report, Mental Health Reform (MHR-

Ireland) was concerned at a number of gaps in the review⁸³ and of the need for an independent body to be given a direct role in receiving, investigating and resolving complaints about mental health service delivery.⁸⁴ JS5-Disability-Ireland called for ensuring accountability in relation to those involved in perpetrating abuse on people with disabilities in residential services.⁸⁵

44. JS3-YRRN recommended that Ireland sign and ratify the Istanbul Convention.⁸⁶ NTWF recommended taking account of Traveller women's issues and concerns to address domestic violence.⁸⁷ On access to justice, FLAC recommended removing the requirement for contributions for applicants at risk of domestic violence.⁸⁸

45. Immigrant Council of Ireland (ICI) recommended that a national action plan against trafficking be published and that the recommendations of regional/international monitoring bodies be implemented.⁸⁹ JS3-YRRN recommended that Ireland develop a comprehensive victim identification and protection procedure with the involvement of civil society for the early identification of victims of trafficking.⁹⁰

3. Administration of justice, including impunity, and the rule of law

46. JS3-YRRN noted that, despite enactment of legislation offering an alternative to detention for not paying fines, 9,000 people were committed for such an offence in 2014. Ireland should increase and promote the use of existing alternatives to detention and continue to legislate for additional effective alternatives to detention.⁹¹

47. Regarding access to justice, FLAC recommended broadening the remit of the Legal Aid Board to include issues related to social welfare, housing and employment and ensuring adequate resourcing.⁹²

48. Justice for Magdalenes Research (JFMResearch) reported that on 19 February 2013, the Irish Government issued a State apology to Magdalene survivors.⁹³ JS3-YRRN noted that the official report of the Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries had been criticized for its narrow remit and ignoring survivors' testimonies.⁹⁴ JFMResearch referred to the report's inaccuracies in recording the length of stay in the laundries and to limitations of the ex-gratia redress scheme.⁹⁵

49. Survivors of Symphysiotomy reported that symphysiotomy and pubiotomy were introduced as a medical experiment and survivor testimony showed that women were operated upon without their consent, in publicly funded Catholic hospitals.⁹⁶ JS3-YRRN highlighted that: Ireland published a review of symphysiotomy in July 2014, the terms of reference of which excluded survivor testimony; and there were reportedly severe difficulties for survivors' accessing redress.⁹⁷

50. JS3-YRRN observed that following media reports from 2014 of mass graves at the sites of former Mother and Baby Homes, the Government established an independent Commission of Inquiry into the matter with full investigatory powers.⁹⁸ Adoption Rights Alliance (ARA) called for the broadening of the scope of investigations as they did not require identifying the remains of deceased infants and the true number of forced and illegal adoptions.⁹⁹

51. JS3-YRRN recommended that Ireland implement full and independent inquiries into the practice of symphysiotomy and Magdalene laundries, leading, where wrongdoing is identified, to prosecutions; and abolish redress scheme waivers that prevent survivors from exercising their constitutional rights.¹⁰⁰

52. European Committee of Social Rights (CoE-ECSR) concluded that the situation in Ireland was not in conformity with Article 17§1 of the Charter on the grounds that: the age of criminal responsibility was too low for some offences; and that young prisoners were not

always separated from adults.¹⁰¹ OCO recommended that the age of criminal responsibility should be raised to 12 for all offences; and ensure that young people can only be detained at the new facility in Oberstown.¹⁰²

4. Right to privacy, marriage and family life

53. JS4 recommended, inter alia, that the Government ensure that its communication surveillance laws, policies and practices adhere to international human rights law and standards, including the principles of legality, proportionality and necessity.¹⁰³

54. ARA called attention to the reportedly closed and secret nature of the adoption system. A 2015 published Heads of Bill for an adoption information and tracing bill currently proposed that adopted people should sign a statutory declaration promising not to contact their natural mothers in exchange for access to their birth certificates.¹⁰⁴ ARA recommended the adoption of legislation to grant adopted people automatic access to their birth certificates and to all files, records documents and papers held within the State.¹⁰⁵

5. Freedom of religion or belief, expression, and right to participate in public and political life

55. JS3-YRRN recommended that Ireland amend Article 40.6.1 of the Constitution to remove the offence of blasphemy from Irish law.¹⁰⁶

56. Humanist Association of Ireland¹⁰⁷ and Atheist Ireland¹⁰⁸ raised concerns regarding the making of religious oaths, including when taking office. JS3-YRRN recommended that Ireland replace the religious oaths in Articles 12.8, 31.4 and 34.5 of the Constitution and all oaths in court with neutral declarations.¹⁰⁹

57. FLAC and ISHR recommended amendment of the Charities Act 2009 to include the promotion of human rights as a charitable purpose.¹¹⁰

6. Right to work and to just and favourable conditions of work

58. Irish Congress of Trade Unions (ICTU) noted the use of Competition Law to inhibit the right to collective representation for atypical workers.¹¹¹ ICTU and JS3-YRRN recommended that the Government implement reforms to properly protect the right of self-employed (including freelance/atypical) workers to collectively bargain.¹¹²

59. European Commission against Racism and Intolerance (CoE-ECRI) recommended the rationalisation of various procedures dealing with complaints concerning employment.¹¹³

7. Right to social security and to an adequate standard of living

60. Christian Aid Ireland recommended that tax and fiscal policy be grounded in the principles of human rights. Greater coherence across government departments was needed to ensure fiscal policies complied with Ireland's human rights obligations under international law and did not promote inequitable growth, further marginalize people and communities or create greater gender inequality.¹¹⁴

61. FLAC expressed concern: at legislation introduced in 2012 which permitted the State to recover 15% of a person's social welfare payment without his/her consent; and at age-related social welfare cuts increasing the vulnerability of people under the age of 26 to homelessness.¹¹⁵ FLAC referred to the mortgage arrears crisis and the risk of people losing their homes and finding themselves in significant debt. In June 2015, some 98,137 mortgage accounts were in arrears.¹¹⁶

62. MLRC reported that there was no right to housing in Irish law and Ireland had opted out of Article 31 of the European Social Charter.¹¹⁷ Threshold reported that Ireland was experiencing a housing crisis characterised by a chronic shortage of social and affordable housing, with marked increases in rent levels, repossession proceedings, and family homelessness.¹¹⁸ JS3-YRRN stated that there was insufficient State emergency accommodation and under the new Housing Assistance Payment, housing was provided through the private rental sector.¹¹⁹

63. JS3-YRRN noted that the procedure for eviction of local authority tenants changed in 2015. However, there was no State legal aid available for such cases. JS3-YRRN made recommendations.¹²⁰ Reporting on a new ground for the termination of tenancies,¹²¹ Threshold recommended the introduction of legislative measures to increase security of tenure for tenants and to regulate the increase in rents; and that steps be taken to ensure that the non-payment of water charges will not result in the termination of tenancies.¹²²

8. Right to health

64. JS3-YRRN referred to reported concerns on widening disparities between people with and those without private health insurance in accessing medical services. JS3-YRRN recommended that Ireland provide a concrete plan and timeline for the roll-out of universal healthcare; introduce targeted measures to combat overcrowding and waiting times; and introduce a common waiting list for treatment in publicly funded hospitals for private and public patients.¹²³

65. According to JS2, Article 40.3.3 (the 8th Amendment) of the Irish Constitution, which equated a pregnant woman's life with continued foetal development, remained the single greatest impediment to access to abortion services.¹²⁴ JS3-YRRN indicated observed that, while the provisions of the 1861 Act that criminalised abortion had been repealed, the Protection of Life during Pregnancy Act in 2013 re-criminalised abortion, except where there was a risk to life,¹²⁵ imposing a maximum penalty of 14 years imprisonment.¹²⁶ Irish Family Planning Association (IFPA), indicated that the Guidance Document issued to medical practitioners on the implementation of the 2013 Act was entirely procedural and did not contain clinical guidance, regarding what constituted a "real and substantive" risk to the life of a pregnant girl or woman.¹²⁷ JS2 reported that current abortion laws resulted in flagrant inequality as women with financial resources and support could travel abroad to access appropriate health care.¹²⁸ JS3-YRRN emphasized that provision of information regarding abortion was strictly regulated and criminalised in certain circumstances by the Abortion Information Act 1995.¹²⁹ Pro Life Campaign,¹³⁰ ADF International¹³¹ and Family & Life¹³² provided information against expanding the availability of abortion and retaining the Constitutional protection of the right to life of the unborn child and protecting conscientious objection of medical personnel.

66. JS3-YRRN recommended that Ireland: repeal Article 40.3.3 of the Irish Constitution; decriminalise abortion by repealing sections 22 and 23 of the Protection of Life during Pregnancy Act in 2013; repeal the Abortion Information Act 1995; and provide a human rights compliant framework for abortion, in law and in practice.¹³³

67. JS2 stated that evidence suggested that the implementation of sexuality education programmes across the Irish school system was patchy and inconsistent, with weak or non-existent mechanisms for holding schools accountable.¹³⁴

9. Right to education

68. Council of Europe reported on cases against Ireland pending before the Committee of Ministers for supervision of their execution and that the main case revealing a structural

or general problem and requiring the adoption of general measures was the protection of children against sexual abuse in public schools.¹³⁵

69. JS3-YRRN reported that 96 percent of primary schools had a religious patron with 89.6 percent of them under the patronage of the Catholic Church and recommended the acceleration of divestment programme for primary and post primary schools and ensure the widest availability of multi and non-denominational schools¹³⁶ and increased investment in early childhood care and education to the current OECD average of 0.8 percent GDP at a minimum.¹³⁷

70. Reporting its concerns at continued religious discrimination in schools,¹³⁸ Education Equality called for the: immediate repeal of s7(3)(c) of the Equal Status Act 2000; prohibition of all forms of religious discrimination in the education system, including in admissions and employment and within the school day; provision of adequate and appropriate alternatives to religious education and education in accordance with particular denominations; establishment of multi-denominational and non-denominational schools within a reasonable distance from all families; provision for effective opt-out procedures from all elements of indoctrination currently incorporated in school life; and repeal of Rule 68 of the Rules for National Schools 1965 and removal of the Integrated Curriculum, which requires that religious instruction be incorporated into all aspects of the school day and in the teaching of all subjects.¹³⁹ Other submissions dealing with freedom of religion in education included ADF International¹⁴⁰ and OCO.¹⁴¹

71. Concerned at the insufficient response to the issue of early school leaving,¹⁴² ERI recommended that Ireland provide entry levels into trades through apprenticeship schemes.¹⁴³

10. Persons with disabilities

72. JS5-Disability-Ireland reported that the current Assisted Decision-Making (Capacity Bill) 2013 did not fully accord with the right to legal capacity as set out in Article 12 of the CRPD. Enacting this long overdue legislation was essential in realising the Government commitment 2011-2016 that it would be developed in line with CRPD.¹⁴⁴

73. JS5-Disability-Ireland considered it unacceptable that a growing number of younger people with disabilities were inappropriately placed in nursing homes and at the growing waiting lists for services, such as personal assistance and home help. JS5-Disability-Ireland recommended, inter alia, that medical cards be issued based on medical needs, not on income; a review of the Housing Adaptation Scheme be undertaken; and replacements be provided for the Mobility allowance and Motorised Transport Grant.¹⁴⁵

74. JS3-YRRN recommended that Ireland publish a roadmap of legislative reforms and set a concrete timeline for CRPD ratification; publish a plan for the full commencement of the EPSN Act 2004, Disability Act 2005, and Citizens Information Act 2007; introduce a statutory transport subsidy scheme for people with disabilities; remove barriers to employment for people with disabilities.¹⁴⁶

75. Irish Deaf Society¹⁴⁷ and JS3-YRRN¹⁴⁸ recommended that Ireland legislate to officially recognize the Irish Sign Language.

11. Minorities

76. PaveePoint called for the recognition of Travellers as a distinct ethnic group in Ireland without any further delay.¹⁴⁹ PaveePoint reported on the importance of an ethnic identifier for the collection of data and on the habitual residence condition as an obstacle to accessing social protection.¹⁵⁰

77. Welcoming the establishment of the National Traveller Roma Inclusion Steering Group to revise the current Integration Strategy, PaveePoint recommended the development of a progressive Traveller Roma Inclusion Strategy with clear goals, indicators, timeframes and budget in partnership with Traveller/Roma organisations.¹⁵¹ NTWF recommended that the Strategy include particular commitments for employment.¹⁵²

78. EU-FRA reported that forced evictions remained a deep-seated problem with cases reported in 2013 in Ireland.¹⁵³ NTWF stated that Traveller Accommodation Budgets had been decimated and recommended ring-fenced funding and strengthening and broadening the remit and powers of National Traveller Accommodation Consultative Committee.¹⁵⁴ PaveePoint reported that life expectancy for Traveller men was 15.1 years less than the general population; infant mortality rate was 3.6 times higher; and the suicide accounted for 11% of Traveller deaths.¹⁵⁵ NTWF recommended the full implementation of All Ireland Traveller Health Study and reconvening of the National Traveller Health Advisory Committee.¹⁵⁶

12. Migrants, refugees and asylum seekers

79. ICI noted that the General Scheme of the International Protection Bill contained provisions seeking to restrict family reunification entitlements and welcomingly identified the best interests of the child principle as a relevant consideration through not as the primary consideration.¹⁵⁷ JS3-YRRN recommended that Ireland amend the General Scheme of the International Protection Bill to address family reunification, best interests of the child and the legal framework for reception conditions.¹⁵⁸

80. Referring to statelessness as a new issue, JS1 made recommendations, including introducing a statelessness determination procedure in compliance with international standards of due process which follows the guidance of UNHCR.¹⁵⁹

81. Doras Luimni (DL) stated that in the Direct Provision system people seeking protection were accommodated in unregulated residential institutions managed by private contractors. The average length of stay was 4 years. 30 percent of all residents were children. The impact of the system had been heavily criticised by UN treaty bodies.¹⁶⁰

82. JS3-YRRN noted that, in June 2015, the Report of the Direct Provision Working Group was published.¹⁶¹ JS3-YRRN recommended that pending abolition, the direct provision system be significantly reformed, and the remit of the Ombudsman for Children be extended to include its oversight or alternative accommodation arranged by the Reception and Integration Agency.¹⁶² JS6 recommended that the IHREC carry out an inquiry into the Direct Provision system.¹⁶³ DL recommended that Ireland legislate for the right to seek employment for asylum seekers nine months after lodging their initial application.¹⁶⁴

83. ICI noted that there had been no comprehensive reform in the broader area of general immigration and residence¹⁶⁵ and that the immigration system remained based on ministerial discretion.¹⁶⁶ MRCI noted there were an estimated 26,000-30,000 undocumented migrants in Ireland and had advocated for the introduction of a regularization scheme.¹⁶⁷ JS3-YRRN recommended comprehensive immigration legislative reform, including greater protection to undocumented migrants.¹⁶⁸

84. JS3-YRRN and Irish Translators' and Interpreters' Association referred to the negative impact of inconsistent interpretation standards in different settings, including for asylum seekers, and recommended the independent training and testing of interpreters.¹⁶⁹

13. Right to development and environmental issues

85. Dóchas (Association of Irish Non-Governmental Development Organisations) recommended that the Government commit to steadily and continuously increasing ODA to reach the target of 0.7% ODA/GNI by 2020, and publish a timetable with interim targets.¹⁷⁰

86. Dóchas recommended that Ireland analyse how such areas as trade, finance, taxation, energy and defence fit within human rights obligations and complement development goals, and take corrective or mitigating action as required.¹⁷¹

87. Reporting that Ireland's tax regime attracted significant criticism for enabling aggressive tax avoidance,¹⁷² ActionAid Ireland recommended that double taxation treaties should include an anti-abuse clause, respect domestic taxation rates and be open for public consultation and prior parliamentary discussion.¹⁷³

88. Noting that Ireland had signed the Geneva pledge on Human Rights and Climate Action,¹⁷⁴ Oxfam Ireland recommended that Ireland move rapidly to an economy based on energy efficiency and renewable energy.¹⁷⁵

14. Human rights and counter-terrorism

89. Shannonwatch recommended that the Government review and if necessary strengthen legislation governing the search and inspection of suspected rendition flights.¹⁷⁶

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AA	Age Action, Dublin, Ireland;
ActionAid-Ireland	ActionAid Ireland, Dublin, Ireland;
ADFIinternational	ADF International, Geneva, Switzerland;
AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
ARA	Adoption Rights Alliance, Malahide Co., Dublin, Ireland;
Atheist-Ireland	Atheist Ireland, Dublin, Ireland;
CAID-Ireland	Christian Aid Ireland, Dublin, Ireland;
Dóchas	Dóchas- The Association of Irish Non-Governmental Development Organisations, Dublin, Ireland;
DL	Doras Luimni, Limerick, Ireland;
Education-Equality	Education Equality, Dublin, Ireland;
ERI	Edmund Rice International, Geneva, Switzerland;
ESCRightsInitiative	The ESC Rights Initiative, Dublin, Ireland;
Family&Life	Family & Life, Dublin, Ireland;
FLAC	Free Legal Advice Centres Ltd, Dublin, Ireland;
GIEACPC	London, United Kingdom of Great Britain and Northern Ireland;
GLAN	Global Legal Action Network, London, United Kingdom of Great Britain and Northern Ireland; and Dublin, Ireland;
HAI	Humanist Association Ireland, Dun Laoghaire, Ireland;
ICI	Immigrant Council of Ireland, Dublin, Ireland;
ICTU	Irish Congress of Trade Unions, Dublin, Ireland;
IDS	Irish Deaf Society, Dublin, Ireland;
IFPA	Irish Family Planning Association, Dublin, Ireland;
IPRT	Irish Penal Reform Trust, Dublin, Ireland;
ISHR	International Service for Human Rights, Geneva, Switzerland;
ITIA	Irish Translators' and Interpreters' Association
JFMResearch	Justice for Magdalenes Research, Co Cavan, Ireland;
MHR-Ireland	Mental Health Reform, Dublin, Ireland;
MLRC	Mercy Law Resource Centre, Dublin, Ireland;
MRCI	Migrant Rights Centre Ireland, Dublin, Ireland;
NTWF	National Traveller Women's Forum, Dublin, Ireland;
OCO	Ombudsman for Children's Office, Dublin, Ireland;
ODVV	Organization for Defending Victim of Violence, Tehran, Iran (Islamic Republic of);
Oxfam-Ireland	Oxfam Ireland, Dublin, Ireland;
PaveePoint	Pavee Point Traveller & Roma Centre, Dublin, Ireland;
Pro-Life-Campaign	Pro Life Campaign, Dublin, Ireland;
Shannonwatch	Shannonwatch, Limerick, Ireland;
SoS-Ireland	Survivors of Symphysiotomy, Dublin, Ireland;
SPMHS	St. Patrick's Mental Health Services, Dublin, Ireland;
Threshold	Threshold, Dublin, Ireland;
Trócaire	Kildare, Ireland;

Joint submissions:

JS1	Joint submission 1 submitted by: Immigrant Council of Ireland, Dublin, Ireland; Institute on Statelessness and Inclusion and European Network on Statelessness;
JS2	Joint submission 2 submitted by: Sexual Rights Initiative, Ottawa, Canada; Abortion Rights Campaign Ireland and Sex Workers Alliance Ireland;

JS3-YRRN

Joint submission 3 Your Rights. Right Now. submitted by: Age Action, Educate Together, Free Legal Advice Centres, Gay and Lesbian Equality Network, Immigrant Council of Ireland, Irish Congress of Trade Unions, Irish Council for Civil Liberties, Irish Family Planning Association, Irish Penal Reform Trust, Irish Traveller Movement, Mercy Law Resource Centre, National Women's Council of Ireland, NUI Galway, Centre for Disability Law & Policy, Pavee Point, Transgender Equality Network Ireland, Union of Students in Ireland, Disability Federation of Ireland; and endorsed by 52 organisations: Abortion Rights Campaign, Action Aid, Age Action, All Together in Dignity, Atheist Ireland, Barnardos, Cairde, Clondalkin Travellers Development Group, Comhlámh, Community Action Network, Community Law and Mediation, Disability Federation of Ireland, Economic, Social and Cultural Rights Initiative, Educate Together, Focus Ireland, Free Legal Advice Centres, Friends of Londiani, Galway Centre for Independent Living, Galway Traveller Movement, Gay and Lesbian Equality Network, Immigrant Council of Ireland, Inclusion Ireland, Irish Advocacy Network, Irish Council for Civil Liberties, Irish Congress of Trade Unions, Irish Deaf Society, Irish Development Education Association, Irish Family Planning Association, Irish Penal Reform Trust, Irish Road Victims' Association, Irish Translators' and Interpreters' Association, Irish Traveller Movement, Justice for Magdalenes Research, LIR Anti Racism Training and Education Programme, Mercy Law Centre, Nasc The Irish Immigrant Support Centre, National Collective of Community Based Women's Networks, National Traveller Women's Forum, National Women's Council of Ireland, New Communities Partnership, NUI Galway Centre for Disability Law and Policy, Pavee Point, Pension Equality, Rape Crisis Network Ireland, Recovery Experts by Experience, Rialto Rights in Action, Survivors of Symphysiotomy, The Galway Leader Forum, The NEIL Programme, Transgender Equality Network Ireland, Union of Students in Ireland, Women's Aid, Ireland;

JS4

Joint submission 4 submitted by: Privacy International and Digital Rights Ireland, London, United Kingdom of Great Britain and Northern Ireland;

JS5-Disability-Ireland

Joint submission 5 submitted by: Disability Federation of Ireland, Dublin Ireland, and Centre for Disability Law and Policy, National University of Ireland Galway, Ireland;

JS6

Joint submission 6 submitted by: IMU-CORI Justice Desk, Irish Missionary Union (IMU) and the Conference of Religious of Ireland (CORI), Dublin, Ireland;

National human rights institution:

IHREC

Irish Human Rights and Equality Commission, Dublin, Ireland;*

Regional intergovernmental organization:

CoE

The Council of Europe, Strasbourg, France;
CoE-ECRI, European Commission against Racism and Intolerance, Report on Ireland, adopted on 5 December 2012, CRI (2013) 1;
CoE-ECSR, European Committee of Social Rights, Conclusions 2011;
EU-FRA, European Union Agency for Fundamental Rights, Vienna, Austria;
OSCE-ODIHR, Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw, Poland.

² For the full text of recommendations, see A/HRC/19/9/Add.1, 106.1 (Indonesia, Chile, Ecuador, Argentina, Peru, Austria, Canada, Greece, Islamic Republic of Iran, Iraq, Spain, Algeria, France, Hungary); 106.2 (Estonia, Brazil, Chile, France, Greece, Slovenia, United Kingdom of Great Britain

and Northern Ireland, Switzerland); 106.3 (Peru); 106.4 (Iraq, Indonesia, Argentina, Ecuador, Spain, France); 106.5 (Costa Rica); 106.6 (Chile, Ecuador, Portugal, Slovenia, Turkey, France); 107.1 (Austria, Spain); 107.2 (Costa Rica); and 107.4 (Portugal, Ecuador).

⁵ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

⁴ IHREC, para. 2.

⁵ IHREC, para. 2.

⁶ IHREC, para. 2.

⁷ For the full text of recommendations, see A/HRC/19/9/Add.1, 106.9 (Australia); 106.10 (Portugal); 106.11 (Indonesia); 107.9 (Cambodia) and 107.10 (Sweden).

⁸ For the full text of recommendation, see A/HRC/19/9/Add.1, 107.44 (Spain).

⁹ IHREC, para. 3.

¹⁰ IHREC, para. 4.

¹¹ IHREC, para. 5.

¹² IHREC, para. 4.

¹³ IHREC, para. 4.

¹⁴ IHREC, para. 5.

¹⁵ IHREC, para. 8.

¹⁶ IHREC, para. 7.

¹⁷ IHREC, para. 9.

¹⁸ IHREC, para. 14 and endnote 76.

¹⁹ IHREC, para. 12.

²⁰ IHREC, para. 13.

²¹ IHREC, para. 6.

²² IHREC, para. 10.

²³ IHREC, para. 11.

²⁴ OCO, para. 3.

²⁵ For full text see, A/HRC/19/9, para. 108.14 (Uzbekistan).

²⁶ JS3-YRRN, para. 87. See also, MRCI, p.3.

²⁷ JS3-YRRN, para. 87 and recommendation, p.17.

²⁸ AI, p.2. See also, SPMHS, paras. 4-6.

²⁹ FLAC, point 1, p.1.

- ³⁰ AI, p.7. See also, FLAC, recommendation 1.1, p.1.
- ³¹ MRCL, p.5.
- ³² JS2, para. 5.
- ³³ OCO, para. 4. See also, JS3-YRRN, para. 70-75, recommendations, p.14.
- ³⁴ MLRC, para. 4.4.
- ³⁵ ESCRightsInitiative, p.3.
- ³⁶ JS3-YRRN, para. 8.
- ³⁷ JS3-YRRN, recommendation, p.3. See also, Threshold, recommendation, para. 14 a.
- ³⁸ AI, p.2.
- ³⁹ JS3-YRRN, para. 4.
- ⁴⁰ For full text see, A/HRC/19/9, paras. 107.18 (Cambodia) and 107.22 (Indonesia).
- ⁴¹ JS3-YRRN, para. 4.
- ⁴² ISHR, p. 1 and recommendation, p.2.
- ⁴³ Trócaire, pp.2-3. See also, JS3-YRRN, para. 82, recommendations, p.15, and Dóchas, section 3.
- ⁴⁴ JS3-YRRN, paras. 3 and recommendations, pp. 2-3. See also, PaveePoint, part 2, Austerity, OCO, paras. 14, 19-20.
- ⁴⁵ FLAC, recommendation 3.3.
- ⁴⁶ JS3-YRRN, para. 5 and recommendation, p.3.
- ⁴⁷ AI, p.1.
- ⁴⁸ JS3-YRRN, paras. 17, 20, 24, 28, 41, 44, 48, 54, 59, 65, 69, 76, 80, 83, 90, 96.
- ⁴⁹ JS3-YRRN, recommendation, p.9.
- ⁵⁰ JS6, p.2.
- ⁵¹ See submission of SoS-Ireland.
- ⁵² See submission of JFMResearch.
- ⁵³ See submission of ARA.
- ⁵⁴ AI, p. 6.
- ⁵⁵ JS3-YRRN, para. 42 and recommendations, p.9.
- ⁵⁶ For full text see, A/HRC/19/9, para. 107.23 (Austria).
- ⁵⁷ NTWF, p.9.
- ⁵⁸ OSCE-ODIHR, submission for Ireland, p.3.
- ⁵⁹ EU-FRA, *Fundamental rights: challenges and achievements in 2013. Annual Report 2013*, part 6.3, p. 155. See also, MRCL, p.2, ICI, paras. 11-13, JS6, p.6, CoE-ECRI, CRI (2013), summary, p.7.
- ⁶⁰ ODVV, p.2.
- ⁶¹ See also, A/HRC/19/9, paras. 107.25 (Brazil) and 107.26 (Malaysia).
- ⁶² PPTRC, p.3, point 3 and recommendations. See also MRCL, p.2, ICI, para. 14, recommendations, FLAC, recommendation 5.5, JS6, p.5.
- ⁶³ JS3-YRRN, para. 31 and recommendation, p.6, and para. 52 and recommendation, p.10. See also, MLRC, recommendation, p.11; and Aetheist-Ireland, para. 2.3.
- ⁶⁴ ERI, recommendation 15, see also, recommendations 11-14. See also, SPMHS, paras. 19-41, OCO, para. 16.
- ⁶⁵ ERI, recommendation 21. See also, ERI paras. 16-23 and recommendations 22-23.
- ⁶⁶ JS3-YRRN, paras. 49-50 and recommendations, pp. 9-10.
- ⁶⁷ AA, paras. 3.4 and p.4, recommendation.
- ⁶⁸ JS3-YRRN, recommendations, p.12. See also AA, paras. 1-4.
- ⁶⁹ GLAN, para. 2.1. See also, GLAN, recommendations, para. 6.
- ⁷⁰ For full text, see A/HRC/19/9, paras. 107.41 (Uruguay) and 107.42 (Uruguay).
- ⁷¹ OCO, para.11. See also, GIEACPC, p.1 and paras. 1.1-1.3 and JS3-YRRN, para. 72.
- ⁷² GIEACPC, para. 1.2. See also, GIEACPC, p.1 and paras. 1.1-1.3.
- ⁷³ For full text, See A/HRC/19/9, paras. 106.36 (Algeria), 106.37 (Norway), 106.38 (Australia), 106.39 (United States of America), 106.40 (Hungary), 106.44 (Denmark), 106.42 (Austria), 106.41 (Austria), 106.45 (Sweden), 106.47 (Peru), 107.34 (Uzbekistan) and 106.46 (Spain).
- ⁷⁴ IPRT, para. 4. See also, IMU-CORI, p. 3.
- ⁷⁵ IPRT, paras. 4-13 and recommendation 2, p.6. See also, JS6, pp.3-4.
- ⁷⁶ IPRT, para. 2.
- ⁷⁷ AI, p.2. See also JS6, recommendation, p.4.

- ⁷⁸ For full text see, A/HRC/19/9, paras. 106.2 (Estonia, Brazil, Chile, France, Greece, Slovenia, United Kingdom of Great Britain and Northern Ireland, Switzerland); and 106.3 (Peru).
- ⁷⁹ IPRT, recommendation 1, p.3. See also, IPRT, para. 3.
- ⁸⁰ SPMHS, para. 2. See also, SPMHS, paras. 19-41, including recommendations, paras. 21, 24, 29, 35, 39 and 41, OCO, para. 16.
- ⁸¹ JS3-YRRN, para. 57. See also, SPMHS, paras. 12-18.
- ⁸² SPMHS, paras. 7-9.
- ⁸³ MHR-Ireland, para. 3, see also, 4-11.
- ⁸⁴ MHR-Ireland, para. 7. See also paras. 8-9.
- ⁸⁵ JS5-Disability-Ireland, recommendation 15. See also, MHR-Ireland, paras. 8-9.
- ⁸⁶ JS3-YRRN, recommendation, p.9. See also, para. 45.
- ⁸⁷ NTWF, p.5, recommendations.
- ⁸⁸ FLAC, recommendation, 4.5.
- ⁸⁹ ICI, paras. 15-17, recommendations. See also, MRCI, p.2.
- ⁹⁰ JS3-YRRN, recommendation, p. 17. See also, DL, pp.4-5 and MRCI, p.2.
- ⁹¹ JS3-YRRN, para. 102 and recommendation, p.19. See also, IPRT, paras. 18-21 and recommendations 8-12.
- ⁹² FLAC, recommendation, 4.3. See also, FLAC, recommendation, 4.4.
- ⁹³ JFMResearch, para. 2.3. See also, para. 2.2.
- ⁹⁴ JS3-YRRN, para. 15 and endnote 43.
- ⁹⁵ JFMResearch, paras. 5.4 (g, h, i) and 4.2-4.11.
- ⁹⁶ SoS-Ireland, paras. 5-6. See also, SoS-Ireland para. 16. 1.
- ⁹⁷ JS3-YRRN, para. 14.
- ⁹⁸ JS3-YRRN, para. 16. See also, AI, pp.6-7.
- ⁹⁹ ARA, paras. 1.3-1.5 and 2.3-2.9 and recommendation, para. 6.1 a.
- ¹⁰⁰ JS3-YRRN, recommendation, p. 3. See also, SoS-Ireland, paras. 16-17.
- ¹⁰¹ CoE, contribution regarding Ireland, section on social and economic rights, p.11 and European Committee of Social Rights, Conclusions 2011, p.21.
- ¹⁰² OCO, paras. 8-10. See also, IPRT, pp.6-8, paras 14-17 and recommendations 3-6.
- ¹⁰³ JS4, p.16, recommendations, 1.
- ¹⁰⁴ ARA, paras. 3.1-3.2.
- ¹⁰⁵ ARA, para. 6.1, recommendations b-c and question 1, p.2.
- ¹⁰⁶ JS3-YRRN, recommendation, p.4. See also, ISHR, part 3, p.2, Atheist-Ireland, paras.4.1-4.2, 3.4-3.10 and 2.1, recommendation, HAI, paras. 3.1-3.3 and recommendation 5.4.
- ¹⁰⁷ HAI, para. 4.2 and recommendation 5.5.
- ¹⁰⁸ Atheist-Ireland, paras. 5.1-5.2 and 2.2, recommendation.
- ¹⁰⁹ JS3-YRRN, recommendation, p. 4. See also, ISHR, part 3, p.2.
- ¹¹⁰ FLAC, recommendation, 7.1. See also ISHR, p.2, recommendations.
- ¹¹¹ ICTU, p.2.
- ¹¹² ICTU, recommendation, p.11 and JS3-YRRN, recommendation, p.8.
- ¹¹³ CoE-ECRI, CRI (2013) 1, summary, p.8.
- ¹¹⁴ CAID-Ireland, recommendations, p. 3. See also, JS3-YRRN, para. 82, recommendations, p.15 and Dóchas, section 3.
- ¹¹⁵ FLAC, part 5, pp.4-7.
- ¹¹⁶ FLAC, part 6, p.7. See also, MLRC, para. 4.2.
- ¹¹⁷ MLRC, para. 3. See also, Threshold, recommendation 14 b.
- ¹¹⁸ Threshold, para. 2. See also, Threshold, recommendation, para 14, d. OCO, para. 15.
- ¹¹⁹ JS3-YRRN, para. 38. See also, MLRC, paras. 7.1-7.3, recommendation, p.11.
- ¹²⁰ JS3-YRRN, para.39 and recommendations, p.8. See also, MLRC, paras. 5.1-5.6 and recommendations, p.8, and Threshold, recommendations, para. 14.
- ¹²¹ Threshold, para. 10. See also, paras. 6-9.
- ¹²² Threshold, recommendations, para. 14, parts e, f, and j.
- ¹²³ JS3-YRRN, para. 34 and recommendations, p. 7.
- ¹²⁴ JS2, para. 10.
- ¹²⁵ IFPA, pp.3-4.
- ¹²⁶ JS3-YRRN, para. 68. See also IFPA, pp.3-4 and JS2, para. 15.

- 127 IFPA, p.5 and AI p.4.
- 128 JS2, paras 19 and 17.
- 129 JS3-YRRN, para. 66.
- 130 ProLifeCampaign, pp.1-19.
- 131 ADF International, paras. 3-23.
- 132 Family&Life, pp.1-3.
- 133 JS3-YRRN, recommendations, p.13.
- 134 JS2, paras. 2 and 21-23.
- 135 CoE, contribution regarding Ireland, section on execution of judgments and decisions of the European Court of Human Rights, pp.6-7.
- 136 JS3-YRRN, para. 21 and recommendations, p.5.
- 137 JS3-YRRN, recommendation, p.14.
- 138 Education-Equality, sections 2-4, including para. 2.10 and para. 5.1. See also, ICI, para.10 and recommendation para 14.
- 139 Education-Equality, paras. 5.2 a-f. See also, HAI, paras. 1.1-2.2 and recommendations 5.1-5.3.
- 140 ADF International, paras. 24-32, Family&Life, pp. 4, 6-7.
- 141 OCO, para. 18.
- 142 ERI, paras. 17-21.
- 143 ERI, recommendation 9. See also recommendations 8 and 10.
- 144 JS5-Disability-Ireland, p. 2, part 1. See also, SPMHS, paras. 10-11.
- 145 JS5-Disability-Ireland, p.4 and recommendations 6, 10 and 12. See also, MHR-Ireland, paras. 12-30.
- 146 JS3-YRRN, recommendations, pp.5-6. See also, OCO, para. 17.
- 147 IDS, p.2.
- 148 JS3-YRRN, para. 27 and recommendation, p.6.
- 149 PavéePoint, recommendation, p.1, part 1, ethnicity. See also, NTWF, p.2.
- 150 PavéePoint, p.2, part 2, austerity. See also, FLAC, recommendations 5.3-5.5. JS6, pp.2-3, CoE-ECRI, CRI (2013)1, summary, pp. 7-8.
- 151 PavéePoint, pp 2-3, part 3, framework for Traveller and Roma inclusion, and recommendations, p.3.
- 152 NTWF, p.8.
- 153 EU-FRA, Fundamental rights: challenges and achievements in 2013, Annual Report 2013, part 7.3.3, p. 178.
- 154 NTWF, pp.3-4.
- 155 PavéePoint, p.3, part 4, Traveller health.
- 156 NTWF, p.5.
- 157 ICI, paras. 5-7.
- 158 JS3-YRRN, recommendation, p.17. See also, MRCL, p.5 and recommendations, p.9, CoE-ECRI, CRI (2013) 1, pp.7-8.
- 159 JS1, paras. 38-39 and pp. 11-12, recommendations, including recommendation IV. See also, DL, pp.1-3 and ICI, para. 9, recommendation.
- 160 DL, pp. 3-4.
- 161 JS3-YRRN, para. 85. See also, JS6, pp.4-5.
- 162 JS3-YRRN, recommendation, p.17.
- 163 JS6, recommendation, p. 5.
- 164 DL, recommendations, p.4.
- 165 See also, JS6, pp. 4-5.
- 166 ICI, para.8.
- 167 MRCL, p.5.
- 168 JS3-YRRN, recommendation, p.17.
- 169 JS3-YRRN, para. 89 and recommendation, p. 17 and ITIA, pp. 2-4.
- 170 Dóchas, section 2 and recommendation.
- 171 Dóchas, section 3 and recommendation.
- 172 ActionAid-Ireland, p.1.
- 173 ActionAid-Ireland, recommendation 4, p.4. See also, CAID-Ireland, recommendations, p. 4 and JS3-YRRN, para. 82 and recommendations, p.15.
- 174 Oxfam-Ireland, p.2.
- 175 Oxfam-Ireland, recommendations, p.4.

¹⁷⁶ Shannonwatch, p 4, recommendation 1. See also, recommendations 2 and 3 ____
